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# THE FUTURE OF INDIA

THE THIRD PART OF A REPORT ON  
THE CONSTITUTIONAL PROBLEM IN  
INDIA SUBMITTED TO THE WARDEN  
AND FELLOWS OF NUFFIELD COLLEGE,  
OXFORD

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## SUMMARY OF PART I

1. From the outset of British rule India has been divided into two parts under different forms of government: (1) British India, comprising a number of Provinces, under direct British administration, (2) the Indian States, which, by treaty or usage, are, broadly speaking, autonomous as regards their domestic affairs but accept the 'suzerainty' of the Crown and its control of their external relations.

2. The government of the Indian States has maintained, with modifications, the Oriental tradition of autocracy. Till 1919 the government of British India was controlled by the British Parliament, operating since 1858 through the Secretary of State for India. It was a highly centralised administration. The Provincial Governments were agents of the Central Government and under its legislative and executive control.

3. Already in 1833 Englishmen were contemplating the ultimate withdrawal of British rule from India, and it was hoped that Indians would some day acquire the capacity for representative self-government of the Western type. By the Acts of 1861, 1892 and 1909 the representative principle was recognised by the admission of Indians to the Legislative Councils in the Provinces and at the Centre. But British statesmen of all parties emphatically asserted that this development was not intended to lead to parliamentary government as practised in Britain. Indian society, it was held, was so diversified by race, creed and custom as to preclude the normal operation of 'majority rule'.

4. The outstanding example of schism in Indian society is the deep-rooted antagonism between the Hindus, who constitute about two-thirds of the population of India, and the Moslems who constitute nearly one-quarter. In the constitutional field this antagonism showed itself in the repudiation by the Moslems of majority rule in principle and of 'joint' electorates in particular. Since 1909 the Moslems and other minority communities have been represented in the legislatures through 'separate' electorates.

5. Meantime, the Indian nationalist movement, which had begun with the birth of the Indian National Congress in 1885, had come to regard the constitutional development of the British self-governing Colonies as the model for Indian advance. Dominantly Hindu in fact, though non-communal in principle, the Congress looked forward to acquiring the same kind of parliamentary government as existed in the Dominions and ultimately to the same status of equal partnership with Britain as the Dominions were then in process of attaining.

6. The nationalist movement was intensified by the War of 1914, and the Congress demanded the speeding-up of the process of constitutional advance on Colonial lines. In 1916 the chief obstacle to it seemed for the moment to have been overcome by an agreement between the Congress and the Moslem League, known as the 'Lucknow Pact', in which the most striking point was the Congress' concession of separate electorates.

7. In 1917 the British Government defined its policy as 'the progressive realisation of responsible government in India as an integral part of the British Empire'. This policy was explained in the 'Montagu-Chelmsford Report' and its first stage embodied in the Act of 1919. The main provisions of this Act were as follows. (i) It established a measure of Provincial autonomy by devolving authority in Provincial matters on to the Provincial Governments and freeing them to a large extent from Central control. (ii) It began the process of realising responsible government in the Provinces by dividing the field of government ('dyarchy'); while such vital subjects as law and order were 'reserved' to the control of the Governor and his Executive Councillors responsible as before to the Secretary of State and Parliament, the rest of the field was 'transferred' to Indian

Ministers responsible to their Provincial legislatures. (iii) It converted the existing Central Legislative Council into a bi-cameral legislature for British India, directly elected for the most part on a national or unitary basis; dyarchy was not introduced at the Centre, the whole Executive remaining responsible to the Secretary of State and Parliament. (iv) It established a Chamber of Princes representing the rulers of the Indian States for deliberative purposes. (v) It provided, lastly, for the appointment of a Statutory Commission in ten years' time to consider the possibility of the further extension of responsible government.

8. This new policy signified a change in the British attitude to the constitutional problem. Parliamentary government was no longer ruled out. On the contrary, the development of responsible government was generally interpreted to mean the development of parliamentary or Cabinet government of the British type, for which dyarchy was to serve as a training. The authors of the policy did not evade or minimise the difficulties in the path, especially Hindu-Moslem antagonism, but they expressed the hope that such obstacles would be overcome by the patriotic co-operation of all communities in the common task of self-government. Only thus could India achieve her nationhood and take her equal place, united and free, beside the other nations of the British Commonwealth. Since, however, the Moslems and other communities insisted on it, separate electorates were retained.

9. In the course of the next decade a real attempt was made to carry out this policy. On the one hand, Provincial dyarchy, though naturally cumbrous, proved workable, and the measure of responsible government it conceded was shown to be genuine. On the other hand, as if in anticipation of her coming nationhood, India was accorded a new status in her relations with the rest of the world. She had become a member of the Imperial Conference and of the League of Nations in her own right, and in other respects, notably fiscal policy, her status now seemed to be approximating to that of a Dominion.

10. The hopes of 1919 were mostly disappointed. In the first place the Congress, far the most powerful political organisation in India, became, under Mr. Gandhi's leadership, a *quasi-revolutionary* body, pledged to obtain 'complete independence' by all 'non-violent' means. It therefore rejected the Act of 1919 and refused to co-operate in working it. Secondly, partly because of the Congress attitude, partly because communal divisions prevented the development of a party system, dyarchy provided no effective training in parliamentary government. Thirdly—and this was the most discouraging feature—Hindu-Moslem antagonism increased.

11. In these circumstances a re-examination of the whole constitutional question was undertaken. It began with the appointment of the Statutory Commission under Sir John Simon in 1927 and ended with the passing of a new Government of India Act in 1935. The first contribution to this long discussion was the work of a group of Indian leaders. The Nehru Report, published in 1928, admitted the gravity of the communal problem, and proposed to deal with it on the principle of 'balance' between the Hindu-majority and Moslem-majority Provinces. It recommended that the number of the latter should be increased to 4 (as against 7 or 8 of the former) by the advancement of the North-West Frontier Province to full Provincial status and by the separation of Sind as a distinct Province from Bombay, but it insisted at the same time on the abolition of separate electorates. The proposed all-India constitution, moreover, under which India would attain Dominion Status with full responsible government at the Centre as well as in the Provinces, was more unitary than federal in character, although it was intended to cover the States. Most of the Moslem leaders reacted to the Report with a full-scale declaration of their claims. They insisted that separate electorates must be retained and that, since the theory of Provincial 'balance' required that the Provinces should be as free as possible from the control of a Centre which

must reflect the great Hindu majority in India as a whole, the future constitution must be essentially federal.

12. The Report of the Simon Commission, published in 1930, recommended (a) that Provincial autonomy should be strengthened by further devolution from the Centre and by the extension of responsible government over the whole field of administration, including law and order, and (b) that no change should be made for the present in the Central executive, but that the Central legislature should be reconstituted on a federal instead of a unitary basis, its members being indirectly elected by the Provincial legislatures, not directly by British-Indian constituencies. The ultimate establishment of an all-India federation, including the States, was relegated to the distant future; nor was any reference made to Dominion Status, though in 1929 the attainment of that status had been officially declared to be the 'natural issue' of the policy of 1917. A marked feature of the Report was its reversion to the scepticism which had prevailed before 1917 as to the practicability of British parliamentary government in India: it suggested that the Provinces might in course of time develop other and varying constitutional practices and asserted that in any case the Central or Federal Government could never operate on British lines.

13. The next phase of the discussions was that of the Round Table Conference which held three sessions in London, in 1930, 1931 and 1932. Its personnel consisted of representatives of the British political parties, of parties and communities in British India, and of the States. The Congress, which during this period was in open revolt, was represented only at the second session and then by Mr. Gandhi alone. The outcome of the Conference was a substantial, if incomplete, measure of agreement as to the main lines of a new constitution for India—a federal constitution, with responsible government, subject to specific 'safeguards', operating fully in the Provinces and partially at the Centre. Communal dissension was still the outstanding feature of the discussions. Mr. Gandhi's personal efforts to obtain agreement having failed, a 'Communal Award' was made by the British Prime Minister, maintaining separate electorates and arranging the distribution of seats on the lines of the 'Lucknow Pact' of 1916, as the only means of resolving the deadlock. The communal issue was also reflected in the controversy as to the character of the proposed Central Government, the Hindu representatives favouring a strong and unitary Centre based on direct election, the Moslems and other minorities insisting on a strictly federal system, with the maximum of Provincial autonomy and indirect election to the Centre on a Provincial footing.

14. In the light of the proceedings of the Conference the British Government formulated its proposals in a White Paper which was submitted to the consideration of a Joint Select Committee of both Houses of Parliament. Its report formed the basis of a bill which was introduced at the end of 1934 and became law in the summer of 1935.

15. The main provisions of the Act of 1935 were as follows. (i) It completed the development of Provincial autonomy by giving the Provinces a separate legal personality and liberating them entirely from Central control except for certain specific purposes. (ii) It established full responsible government, subject to 'safeguards', in all the Provinces (which, with the new Provinces of Sind and Orissa, now numbered eleven). (iii) It established 'The Federation of India', comprising both Provinces and States, with a federal Central Government and legislature for the management of Central subjects. (iv) Dyarchy, abolished in the Provinces, was reproduced at the Centre. The subjects of foreign affairs and defence were 'reserved' to the control of the Governor-General; the other Central subjects were 'transferred' to Ministers, subject to similar 'safeguards' as in the Provinces. (v) The federal principle was recognised in the provision for the indirect or Provincial election to the lower house of the Central legislature, but in general the constitution accorded more with the closer than with the looser type of federation.

(vi) On the other controversial issue the Act maintained the policy of 1917. On the one hand it confirmed and extended parliamentary government in the Provinces and introduced it at the Centre: on the other hand it retained separate electorates, both Provincial and Central, distributing the seats on the lines of the 'Communal Award'. (vii) As to Dominion Status, it was officially declared that the provisions of the Act which precluded full self-government were to be regarded as transitional and it was intimated that, mainly by usage and convention, India under the new constitution might quickly acquire the same freedom, internal and external, as that of the other members of the British Commonwealth.

16. The part of the Act which established the Federation was not to operate until a specified number of States had acceded to it. The rest of the Act came into force partly on July 3, 1936, when the electoral provisions began to operate, and completely on April 1, 1937.

## SUMMARY OF PART II

1. The Provincial and other parts of the Act of 1935 came into force in 1936-7, but the establishment of the Federation was delayed by the reluctance of the Princes to acquiesce in the requisite infringements of their sovereignty. Thus, while the Provinces obtained a new measure of autonomy, the Centre remained apart from one or two minor changes, the old Centre as set up by the Act of 1919.

2. The Act of 1935 was attacked by the two major political parties in India. Both the Congress and the Moslem League repudiated the federal scheme; but, while the League was prepared to work the Provincial constitution 'for what it was worth', the Congress rejected the whole of the Act and decided that, while Congressmen should fight the elections and enter the new legislatures in order to promote the welfare of the Indian masses, they should combat the constitution and seek to end it.

3. The elections were held in the winter of 1936-7 and resulted in decisive Congress majorities in seven Provinces—Madras, the United Provinces, the Central Provinces, Bihar, Orissa, the North-West Frontier Province, and (in conjunction with one or two pro-Congress groups) Bombay. When the Congress leaders were invited to form Ministries, they declined to do so unless the Governors would undertake not to use the 'safeguards'. Minority Ministries were accordingly installed; but, as a result of further discussion from which it appeared that a breach between a Governor and his Ministers was likely to occur only on a major issue, these *interim* Ministries were replaced, in July 1937, by Congress Ministries which remained in office till they resigned in October and November 1939. A coalition Ministry under a Congress Premier, established in Assam at the end of 1938, also resigned at that time. In those Provinces responsible Government was thereupon suspended and the administration taken over by the Governors under Section 93 of the Act of 1935.

4. In Bengal, the Punjab and Sind non-Congress Ministries took office in April 1937, and were still in power at the end of 1942. Up to the end of 1938 and from the autumn of 1939 onwards, except for a period of 'Governor's rule' in the first half of 1941, a non-Congress Ministry also held office in Assam and, after November 1941, in Orissa.

5. In all these non-Congress Provinces responsible government has operated more or less in accordance with the intentions of the Act of 1935. The responsibility of Ministers to their legislatures has not been weakened by the operation of the 'safeguards'. Only three times has a Governor taken open action against or without his Ministers' advice. In Assam and Sind, owing to party intrigues in the legislatures, the Ministries have always been unstable and have frequently changed. The strongest Ministry has been that of the Punjab which, though the Hindus and the Sikhs have been represented in it, has rested mainly on the support of the predominantly Moslem Unionist Party. In Bengal the strength of the Ministry has been determined by the extent to which the Moslem majority in the Province has been united in support of it. Thus, though intercommunal coalitions in form, these Governments have been regarded by their opponents as communal Governments, and party divisions have continued to operate on communal lines.

6. The new constitution has worked best in Bengal and the Punjab. Their legislatures have enacted a number of useful measures, and in the field of administration their Governments have stood their sternest test, the maintenance of law and order. But communal tension has steadily increased and there have been several serious outbreaks of Hindu-Moslem strife. The record of Assam and Sind both in legislation and in firm administration has been poorer. It is too soon to assess the achievement of the non-Congress Government in Orissa.

7. The character of the government of the Congress Provinces was different



from that of the others. The Indian National Congress is not a political party in the ordinary sense. It is a revolutionary organisation pledged to obtain the complete independence of India and to that end to destroy the existing constitution and to frame a new one by means of a democratic Constituent Assembly. Its policy is 'unitary' in that it insists on the indivisibility of India and keeps all its members under the strict control of its Central 'high command', i.e., the Working Committee, nominated by the President. It is also 'totalitarian', since the Congress, though dominated by Mr. Gandhi and other members of the Hindu intelligentsia, claims to represent all communities and classes and to be the only authentic embodiment of Indian nationalism. The effect of this on Congress Provincial government was twofold. (i) The Provincial autonomy intended by the Act was negated, since the Congress Ministries were closely supervised and controlled by the 'high command'. (ii) The Congress Governments were 'pure' Congress. Coalitions with minority parties were banned.

8. The Congress Governments were handicapped at the outset by their lack of experience in administration, by their ideological preconceptions, and by the tendency of their party committees and of individual Congressmen to act as if they were part of the Government; but by the end of their twenty-eight months' period of office most of the leaders had learned, and had taught the rank and file, how the machine of government should be worked. In the field of law and order, in which the most disquieting feature was the grave increase of communal antagonism, they had recognised the necessity of firmly repressing disorder. In the field of social policy they had put into effect a substantial part of their electoral programme. In particular they had carried drastic measures of agrarian reform, had begun to apply the policy of complete Prohibition, and had initiated important developments in education. Their financial policy, like that of the non-Congress Governments, was orthodox while they were in office, but they evaded the problem of the future cost of Prohibition and extended social services. There was only one open dispute over the 'safeguards'. Realising that the self-government bestowed on them did in fact enable them to do much to promote the welfare of the people and anxious to do more, the Congress Ministers allowed the policy of 'combating' the constitution to fall into the background, and many of them were known to have obeyed with reluctance the 'high command's' order to resign in October 1939. The fact that the Congress, after so many years of barren opposition, had accepted the responsibilities of office and become a constructive force in Indian politics had been generally welcomed; and, except in Moslem and some other minority circles, it was generally regretted that the work the Congress Governments were doing for the people of the Provinces should have been interrupted for reasons which had little directly to do with them.

9. On the morrow of their victory at the polls the Congress 'high command' had determined to strengthen their position throughout India in two ways—by forcing the pace of constitutional advance in the States and by absorbing minority parties, especially the Moslem League, into the Congress organisation. As to the States, the previous policy of abstaining from direct interference was abandoned, and a large-scale agitation was set on foot which reached its peak in the winter of 1938-9. Some success was obtained: in a number of States steps were taken along the path which had led to full responsible government in British India. On the other hand, the Congress assault tended to confirm the Princes' hesitation to be linked with British India in a federation, and the prospect of a more democratic régime had stimulated, as in British India, the growth of communal discord.

10. The Congress attempt to absorb the Moslem League not only failed: it produced a strong reaction. Under Mr. Jinnah's leadership the League launched a vigorous campaign against the Congress Governments as the agents of a purely Hindu Raj to which the Moslem minorities would be permanently subjected. Its organisation in rural areas was greatly extended; it won a growing number

of by-elections; and it conducted inquiries into the so-called 'atrocities' perpetrated against Moslems under Hindu rule. Finally Mr. Jinnah declared that democracy based on 'majority-rule' could not work in India, and, when the Congress Governments resigned, he ordered the observance of a 'day of deliverance' and said they must never come back.

11. The Moslem reaction was not confined to the Provincial field. The League now preached the doctrine that the Moslems of India were not a minority community but a separate nation, repudiated the goal of federation, and finally, in the spring of 1940, committed itself to the policy of 'Pakistan', i.e., that the areas in north-west and north-east India in which Moslems were in a majority should become separate sovereign States.

12. This widening of the communal gulf was accompanied by a marked increase of rioting and bloodshed. It was generally agreed that Hindu-Moslem hostility had never been so bitter and that, if the Congress Governments had lasted longer, disorders would have broken out on an unprecedented scale.

13. Since the Central Government was still responsible only to the Secretary of State and Parliament, the proclamation of war by the Viceroy (Lord Linlithgow) was not subject to the prior assent of the Central legislature; but, in the absence of their Congress members, both Houses accepted it without question and passed with little opposition the emergency legislation required for the war. The Governments and legislatures of the non-Congress Provinces similarly accepted the proclamation and thenceforward took their full part in the war-effort. The Princes promptly pledged the resources of 'Indian India' to the common cause. As time went on, the scope of India's share in the war steadily increased. The Indian Army, which was engaged from the outset in Africa and the East, was expanded by voluntary recruitment to a strength of over one million by 1942. There was a similar great increase in the production of munitions and other war-supplies. Nor must the contributions of countless private individuals in money or in work, nor the loyal service of innumerable Indian officials, be omitted from an estimate of India's war-effort.

14. But the largest and most powerful political organisation in India has taken no part in it. Some time before 1939 the Congress leaders had declared that India must not be entangled in an 'imperialist war', and on the eve of the outbreak they had ordered the Congress members of the Central legislature to boycott the next session as a protest against the precautionary dispatch of Indian troops to Aden and Singapore. When war was proclaimed, while denouncing Nazi aggression, they asserted that India had been dragged into the war without her consent and could not fight for freedom unless she herself were free, and insisted that India must be declared 'an independent nation' and accorded the largest possible measure of actual independence at once. To these demands the Viceroy, after interviewing all the leading politicians of all parties, replied by re-affirming the pledge of Dominion Status as the aim of British policy in India, undertaking that the Act of 1935 should be reconsidered after the war in the light of Indian opinion, and proposing to establish in the meantime a consultative defence council representing the States and all parties in British India. The Congress 'high command' denounced this statement as a 'reiteration of the old imperialist policy', and, declaring that in view of it the Congress could not support Britain in the war, ordered the resignation of the Congress Provincial Governments as a first step in non-co-operation.

15. None of the other chief political parties followed the Congress lead. The Hindu Liberals and the Hindu Mahasabha maintained that India should support the democratic cause without bargaining. The Moslem League, while not repudiating the Viceroy's statement, intimated that its future policy would be determined by the extent to which it was assured of the Government's intention to safeguard the rights of the minorities.

16. The pattern which Indian party politics thus assumed at the beginning of the war was destined to remain unchanged in its main lines by subsequent developments. There were two periods at which it seemed possible that Congress aloofness from the war-effort might be overcome—the period of the *blitzkrieg* in Europe in 1940 and the period of the Japanese advance on India in 1941. But on both occasions the ultimate outcome was an intensification of Congress hostility to the British Government. Nor was Hindu-Moslem antagonism softened by the prospect of a German victory or of a Japanese invasion.

17. In June and July 1940 the Congress leaders affirmed that the Congress would be willing to take part in organising the defence of India if her independence were immediately declared and a National Government established at the Centre commanding the confidence of the Central legislature. This involved a temporary break with Mr. Gandhi who consistently upheld his doctrine that defence must be wholly non-violent.

18. A few weeks later the British Government made their so-called 'August Offer'. Its main points were as follows. (i) Indian self-government implied inter-communal agreement, since the British Government could not transfer full power to an Indian Government whose authority was denied by any powerful section of Indian opinion. (ii) For the framing of a new constitution after the war Indians (and not, as in the past, the British Parliament) should be primarily responsible. (iii) Meantime it was hoped that all parties would co-operate in the war-effort and thus pave the way for India's attainment of free and equal partnership in the British Commonwealth.

19. The Congress 'high command' rejected these proposals and reverted to the leadership of Mr. Gandhi who, after vainly soliciting permission to preach openly against participation in the war-effort, launched a non-violent civil disobedience movement (*satyagraha*) under his personal control. Numbers of Congressmen were arrested and sentenced to short terms of imprisonment, but the movement excited little public interest, and by the end of 1941, when the Congressmen still in prison were released, it had practically petered out.

20. In July 1941 the Advisory National Defence Council was appointed, and at the same time the Central Executive Council was enlarged. It had previously had seven members besides the Viceroy, four of whom were British and three Indian. Now it had twelve members besides the Viceroy, eight of whom were Indian and four British. But the hope that Indian party leaders might be appointed had been frustrated by the Viceroy's failure to secure an inter-party agreement. Not only had the Congress gone into open opposition, but Mr. Jinnah, applying the 'two-nations' principle, had insisted that at least half the seats on the Council should be allocated to the League and that nothing should be done to prejudice the position of the Moslems with regard to the post-war settlement. The two other main parties—the Liberals and the Mahasabha—asked for a National Government, manned wholly by Indians and freed from control by the Secretary of State and the India Office; but the Liberals made no practical contribution towards bringing about a Hindu-Moslem agreement, while the Mahasabha widened the breach by insisting in provocative terms on the Moslems' acceptance of a minority status in an undivided Hindustan.

21. The Japanese advance towards the Indian frontier in the spring of 1942 effected little change in the attitude of the Indian politicians. The Congress leaders refused to modify their previous demands. Only Mr. Rajagopalachari, ex-Premier of Madras, advocated an agreement with the League as the prerequisite of a National Government. The League, for its part, reiterated its claim for Pakistan as the only acceptable solution of the constitutional problem. In these circumstances Sir Stafford Cripps, Lord Privy Seal and a member of the British War Cabinet, flew out to India in March to discuss with the party leaders a new Draft Declaration of British policy. Its main points were as follows.

(i) The British Government proposed that steps should be taken to create a new Indian Union with the full status of a Dominion and freedom to secede from the British Commonwealth if it chose. (ii) On the cessation of hostilities a constitution-making body would be set up, representing both the Provinces and the States, and the British Government undertook to accept and implement the constitution framed by it provided (a) that any Province or Provinces, which were not prepared to accept the new constitution, should be entitled to form a separate Union and that the States should be similarly free to adhere to the new constitution or not, and (b) that a treaty should be negotiated between the British Government and the constitution-making body to cover all matters arising out of the complete transfer of authority from British to Indian hands. (iii) In the meantime the British Government must retain control of the defence of India 'as part of their world war-effort', but the task of organising the full military, moral and material resources of India would be the responsibility of the Indian Government in which it was hoped once more that the party leaders would join.

22. After a fortnight's discussion Sir Stafford Cripps' negotiations with the party leaders broke down. All parties rejected the British proposals for post-war constitution-making, but for different reasons. The Congress' main objection was that under the non-adherence clauses Pakistan was a possibility, the League's that it was only a possibility and not a certainty. But the breakdown of the negotiations was not due to disagreement as to the post-war constitution, on which it was generally accepted that discussion might be postponed, but to disagreement as to the character of the National Government which it had been hoped might be formed at once. The Congress leaders insisted that, while the British Commander-in-Chief would be left in control of military operations, in all other respects the Government must be 'a Cabinet Government with full power'. Sir Stafford Cripps rejected this demand because (a) it would involve a major constitutional change in the middle of the war—and he had explicitly ruled this out from the outset of the discussions—and (b) it would involve a majority dictatorship to which none of the minorities would consent.

23. There was widespread disappointment at the failure of the Cripps Mission, and the political situation rapidly deteriorated. While Mr. Jinnah denounced the Congress for attempting to establish a 'Congress Raj', the Congress repudiated Mr. Rajagopalachari's attempt to come to terms with the League and he was compelled to resign from the party. Meantime the 'high command', over which Mr. Gandhi's mastery was now again undisputed, demanded the immediate abdication of all British authority in India. Mr. Gandhi at first proposed that the British and American troops should also be evacuated, but later he agreed to their remaining in India with the consent of a free Indian Government. This Government would be formed by agreement between the parties as soon as the existing Government had surrendered its powers to the Congress. If these proposals were not accepted, a mass civil disobedience movement would be launched under Mr. Gandhi's leadership. This would, he said, be 'open rebellion'.

24. On August 8 the proposals were confirmed by the All-India Congress Committee, and next day, on the unanimous decision of the Central Government (which had again been enlarged in July and now contained, besides the Viceroy, three British officials, one British non-official and eleven Indians), Mr. Gandhi and other Congress leaders were arrested and the Congress organisation banned throughout most of British India. A few days later disorder broke out on a serious scale, but it was limited in area and confined to Congressmen, revolutionary extremists and hooligans. All the other parties condemned the 'rebellion' and held aloof from it. Its effect was gravest in Bihar and the eastern part of the United Provinces where the communications of the forces defending the frontiers of Bengal and Assam were completely interrupted for some time. By the end of September the worst of the outbreak was over, but sporadic disturbances continued.

25. The issue between the British Government and Mr. Gandhi was not the attainment of India's independence but the time and method in which it should be attained. The British Government held that a constitutional settlement was a necessary prelude to its abdication since otherwise there would be no Indian Government commanding the allegiance of India as a whole to which it could transfer its powers and obligations, and it proposed that everything possible should be done to bring about such a settlement immediately after the war. Mr. Gandhi demanded immediate abdication without a prior settlement. When British authority both in British India and over the States had been surrendered to the Congress, it would set about establishing a provisional Government by agreement with the other parties.



## INTRODUCTION

In the first two parts of this Report an attempt has been made to describe the development of the Indian constitutional problem and the main course of Indian politics down to the end of 1942. This third part leaves the firm ground of history to speculate about the future.

There can be no question, it need hardly be said, of trying to draft a new constitution for India. Such a task is far beyond one man's powers. The last attempt at constitution-making, the Act of 1935, took several years and engaged the labour of a great company of British and Indian statesmen. The making of the new constitution, moreover, however deeply we in this country may be interested in it, is no longer our business. The British Government has declared that it is for the people of India to determine, as the peoples of the Dominions determined in their day, the form of government under which they wish to live. And, though at the time of writing (August 1943) the stage of formal organised discussion of that great question has not yet been reached, Indians, of course, have been thinking and talking about it for some time past. Few, indeed, of the ideas to be found in the following pages have not been already canvassed by Indian publicists and politicians.

No 'solution', then, of the Indian problem is to be looked for in this part of the Report. All it can try to do is to re-state the dominant factors of the problem as the author sees them in the light of the inquiry undertaken in Parts I and II, and to explore some of the ways in which those factors might possibly be dealt with. It will have served its purpose if it helps in any degree to make the nature of the problem better understood by students of politics and to stimulate further discussion of it in the practical world.

## CHAPTER I

### THE SITUATION IN 1943

THE course of Indian politics from 1936 to the end of 1942 has been described in the preceding part of this Report. Before exploring the possibilities of the future, a brief account must be given of the main developments in the situation up to the early autumn of 1943.

#### 1

In India, as elsewhere, the outstanding event has been the turn in the tide of the war. In the early months of 1942 many Indians believed not only that the Axis Powers would win the war, but that India itself would soon be overrun by the irresistible Japanese. Both these beliefs have been undermined by the course of events in 1943. The United Nations have obtained the initiative in Europe and the Japanese appear to have lost it on the Indian frontier. As the year drew on, though the Arakan campaign was disappointing, the menace of invasion seemed less immediate and less formidable. The extent to which Indian politics, and Mr. Gandhi's politics in particular, have been affected by the Japanese danger has been shown in Part II; and the prospect of the ultimate elimination of that extraneous and disturbing factor in the Indian situation has already cleared the air and improved the prospects of a political settlement.

It is realised, however, that the final defeat of Japan may take a substantial time, and there has been no relaxation in India's war-effort. While the Indian Army has been winning new laurels in the Mediterranean area, the inflow of volunteers at its Indian bases has continued unchecked. By midsummer the strength of the Army was nearly two millions, and that of the Indian Navy and Air Force had increased proportionately. There has been a similar steady rise in the expansion of war-industries and the output of munitions and other war-material.

The five non-Congress Provinces—and there is now, as will presently be seen, a sixth—have continued to play their full part in the war-effort. The political developments which have occurred in them since the end of 1942 may be summarised as follows.

The most dramatic changes have occurred in Bengal. In the course of March it became clear that Mr. Fazl-ul-Huq's attempt to govern with his composite Progressive Coalition Party in defiance of the Moslem League was breaking down. It so happened that the triennial elections to the Legislative Council, which are made partly by the Assembly and partly by Provincial constituencies, took place at that time. In the Assembly elections the Moslems gained two seats at the expense of the Hindus. In the direct elections the Progressive Coalition Party lost all its six seats to the



League. On March 24 the Government defeated a hostile motion on the budget by 116 votes to 86, but on March 27 it secured only 109 votes to 99. The Opposition was expecting to carry a direct no-confidence motion a few days later when on March 29 Mr. Fazl-ul-Huq resigned, after six years' unbroken tenure of the Premiership, and the Assembly was adjourned for a fortnight. Since it thus became impossible to carry the remaining money-grants before April 1, the Governor (Sir John Herbert) took over the administration under Section 93 of the Act of 1935,<sup>1</sup> pending the formation of a new Ministry. In the interval further proof of the League's ascendancy was given at a rural by-election at which its candidate defeated Mr. Fazl-ul-Huq's nominee by 9,636 votes to 1,004. On April 24 a new Ministry, headed by Khwaja Sir Nazimuddin, the League leader in Bengal, and containing six other Moslems and six Hindus, took office, and the proclamation under Section 93 was revoked. The Ministry could not be regarded as an effective intercommunal or inter-party coalition, since its Hindu members were not outstanding men and none of them belonged to either of the two Provincial sections of the Congress; but the Premier at once appealed for intercommunal concord, 'extending', so he said, 'a hand of fellowship and co-operation to the entire Hindu community'.<sup>2</sup> The strength of the Ministry was tested when the Assembly met again in July. After a three days' debate, an Opposition motion censuring the Government for its handling of the grievous food shortage was defeated by 134 to 88.<sup>3</sup>

In the Punjab the strength and coherence of the Unionist Party were plainly demonstrated by the way it stood up to the blow—a blow to all India as well as to the Province—inflicted by its leader's sudden death.<sup>4</sup> The surviving Ministers resigned and were re-appointed under the Premiership of Malik Khizar Hyat Khan Twana, previously Minister of Public Works and, like his late chief, a soldier. The vacant Ministry was presently filled by Sir Sikander Hyat Khan's eldest son, Major Sardar Shaukat Hyat Khan. The Government's hold on the legislature, in which the Unionist Party commands 120 votes out of 175, remains to all appearance as strong as ever, nor has it been called on in recent months to deal with any serious trouble. There was small response to Mr. Gandhi's call to rebellion in 1942, and the Province has been little affected by the continuance of subversive activities underground. In the Punjab, too, as elsewhere, communal antagonism seems for the time to have been muffled. The Government's chief trouble, indeed, has been among its own supporters. Based on the principle of coalition and containing Hindu and Sikh as well as Moslem Ministers, it could scarcely accept without question Mr. Jinnah's claim—of which something more will be said later on—that it was a 'Moslem League Government', subject in some degree to the control of the League's all-India 'high command'.

In Sind the Ministry formed in October 1942<sup>5</sup> found itself in possession

<sup>1</sup> See Part II, 233-4.

<sup>2</sup> July 14. *Reuter*, Calcutta, July 15, 1943.

<sup>3</sup> Statement to the Press, April 25, 1943.

<sup>4</sup> Part II, 44.

<sup>5</sup> *Ibid.*, 74-5.

of a safe majority when the Assembly met for its budget session at the end of February. There was no effective opposition. The whole budget was carried at one sitting. It was clear, moreover, that the Moslem League, after so many vicissitudes, had at last obtained control of the Province. All the four Moslem Ministers were or had become members of it, and—what was still more significant—the Assembly passed on March 3 a resolution echoing the Pakistan resolution of the League Session in 1940.<sup>1</sup> This resolution, the first of its kind to be passed in a Provincial legislature, was supported by 24 votes. Three votes were cast against it, being those of the two Hindu Ministers and the Hindu Parliamentary Secretary. The 'non-official Hindu' or Congress group of seven walked out. The two representatives of the British community did not vote.

On May 14, the ex-Premier, Mr. Allah Baksh, was set upon by four men near Shikarpur and shot dead. The murder was said to have had nothing to do with politics.

On February 23 the Pir Pagaro, after a three weeks' trial before a military court, was found guilty of abetment, conspiracy and preparation to wage war on the King-Emperor and condemned to death. He appealed to the Governor-General without result, and on March 20 he was executed at Hyderabad. Meantime the last stages of the suppression of the revolt he had abetted were being carried through. By midsummer most of the Hur leaders had been captured, and large stores of arms and hidden treasure unearthed. On May 31 martial law was withdrawn. Apart from the Hurs, Sind, like the Punjab, has had little trouble in this period in the field of law and order.

In Assam and Orissa there has been no important change since the end of 1942, except in so far as the Ministry's position has been strengthened, especially in Orissa, by the suppression of the Congress organisation and the arrest of several of its local leaders.

It had been thought possible at one time that the Central Provinces might follow Orissa's lead and resume responsible government with a non-Congress majority in the legislature; but nothing has so far come of this. The Congress control of the North-West Frontier Province, on the other hand, has been interrupted. As pointed out in Part II,<sup>2</sup> it could never be so firm in that particular Province as in the other 'Congress Provinces', and it was weakened in the course of the winter of 1942-3 and the following spring by the steady growth of the Moslem League. The Pathans were even less disturbed by the rebellion in 1942 than the people of the Punjab and Sind. In these circumstances the protracted attempts of the Provincial League leader, Sardar Aurangzeb Khan, to organise a majority in the Assembly were finally successful; and on May 25 the Section 93 Proclamation was revoked and the Sardar took office as Premier with three other Moslem Ministers and one Sikh. Four recent by-elections have resulted in decisive victories for the League.

<sup>1</sup> *Times of India*, March 4, 1943.

<sup>2</sup> Part II, 121-3.

Thus, for the first time since the Congress resignations in the early days of the war, a majority of the Provinces, six out of eleven, are now operating the constitutional system established by the Act of 1935; and all their Governments, responsible to their elected legislatures, are fully committed to the war-effort.

## 2

Meantime, the greatest political party in India has been out of action. One or two of the Congress leaders, such as Mrs. Naidu and Mrs. Pandit, have been released on personal grounds, but all the rest of them, save those few who are still in hiding, remain in custody. Mr. Gandhi's attempt to obtain release by fasting for three weeks (February 10 to March 2) is too well known to need any detailed record here. That Hindu emotion was deeply stirred there can be no question; and, when the aged Mahatma had undergone six days of his ordeal and was reported to be growing weaker, three members of the Central Executive Council, Mr. Aney, Mr. N. R. Sarker and Sir H. P. Mody—the two former both Hindu ex-Congressmen and old friends of Mr. Gandhi—resigned their posts. They had all shared in the Council's unanimous decision to arrest the Congress leaders in the previous August, nor had they differed from their colleagues, as far as is known, in their attitude to the subsequent rebellion; but they felt—and, no doubt, the bulk of the Hindu intelligentsia agreed with them—that Mr. Gandhi ought not to be allowed to die.

The attitude of the Government was made clear by the publication of the correspondence between Lord Linlithgow and Mr. Gandhi on the eve of the fast.<sup>1</sup> The cardinal points of it were, on the one hand, Lord Linlithgow's invitation to Mr. Gandhi to abandon the policy of August 1942 and to give assurances for the future, and, on the other hand, Mr. Gandhi's insistence that he had 'not any conviction of error' and that 'the whole blame' for the tragedy of the previous autumn lay with the Government of India—a point of view which it is difficult for open-minded observers to accept in the face of what Mr. Gandhi actually said in the course of the weeks preceding his arrest.<sup>2</sup>

The Government's subsequent refusal to change its policy of keeping Mr. Gandhi from personal contact with the outer world was presumably due to its belief that, unless and until he disavowed the policy of rebellion, his political activity could do nothing but harm, and might, if the fortunes of war on the eastern frontier took a turn for the worse, become again a serious danger to the peace and safety of India. It was argued, on the other hand, by Mr. Rajagopalachari among others, that no progress could be made towards an inter-party or intercommunal settlement without Mr. Gandhi,

<sup>1</sup> *The Times*, Feb. 11, 1943.

<sup>2</sup> The evidence of Congress complicity in the rebellion given in Part II, chap. xxii has been confirmed and amplified by the pamphlet *Congress Responsibility for the Disturbances*, published by the Central Government and reproduced as a White Paper (Cmd. 6430). It would have been a more effective document if it had confined itself to a statement and elucidation of the facts and not argued at length the clear case to be drawn from them.

and that, if he was given the chance, he would probably show a more conciliatory and co-operative temper than he did in the critical period before his long seclusion.

Meanwhile, it was evident, as time went by, that the impulse of rebellion in the country at large had spent its force. There was no recurrence of large-scale disorder, and there were fewer isolated acts of terrorism. It must be remembered, however, that most of those who incited or took the lead in the disturbances of 1942 have been out of action. In May over 23,000 were still serving sentences of imprisonment and over 12,000 were still in detention.<sup>1</sup>

The authority, entrusted to the executive by the Defence of India Act of 1939,<sup>2</sup> to detain persons reasonably suspected of certain offences was the subject of a judicial decision which attracted some attention in the world as a striking example of the power of the judiciary to challenge the conduct of the executive in accordance with British traditions of the Rule of Law. On April 22, when Sir Maurice Gwyer sat for the last time as Chief Justice of India, the Federal Court decided that a Rule made under the Act, authorising the Central and Provincial Governments to order the detention of suspected persons, was so drafted as not to be consistent with the section of the Act to which it related. The Court was 'compelled therefore to hold that Rule 26 in its present form goes beyond the rule-making powers which the legislature has thought fit to confer upon the Central Government and is for that reason invalid'.

Our decision [said the Chief Justice] may be the cause of inconvenience and possibly embarrassment, even though temporary, to the executive authority. We regret that this should be so, especially in these difficult times; but we express the earnest hope that greater care may be taken hereafter to secure that powers of this extraordinary kind—which may affect and have indeed affected the liberty of so many of the King's subjects in India—may be defined with greater precision and exactitude, so as to reduce to as small a compass as possible the risk that persons may find themselves apprehended and detained without legal warrant.<sup>3</sup>

On April 28 the Governor-General promulgated an Ordinance<sup>4</sup> which substituted for the section dealing with detention in the Defence of India Act a new section having retrospective effect, and validated orders already made under Rule 26. The validity of this Ordinance was at once questioned, but the Allahabad and Madras High Courts upheld it.

### 3

It was recorded in Part II that the other Hindu parties condemned the extremist plans of the Congress leaders, and the breakdown of the plans and the arrest of the leaders might have seemed to offer those other parties an opportunity of taking the field and seeking to rally public opinion to a more

<sup>1</sup> N.W.F.P. excluded. *Hansard*, H. of C., vol. 391, col. 2436.

<sup>2</sup> Part II, 212.

<sup>3</sup> *Reuter*, New Delhi, April 24, 1943.

<sup>4</sup> Under Section 72, Schedule IX, Act of 1935.

moderate and constructive policy. The Liberals, for example, aware that the Hindu-Moslem deadlock is mainly due to claims or fears about the future government of India and remembering the important part they played in the constitutional debate before 1935, might have taken up the task entrusted to Sir Tej Bahadur Sapru by the Non-Party Conference in the summer of 1941<sup>1</sup> and set on foot an inquiry into the principles of the new constitution. Such a move might conceivably have opened the way to inter-party discussion and to a more detailed and concrete study of constitutional possibilities. But the Liberal leaders seem to have come to the conclusion that no progress was possible without the Congress, and they have mainly concerned themselves with criticism of the Central Government and appeals for the re-opening of negotiations with Mr. Gandhi.

To the Mahasabha the removal of Mr. Gandhi and his colleagues from the political stage and the suppression of the Congress organisations in most of the Provinces may well have seemed a more direct incentive to action than it did to the Liberals. Sooner or later, no doubt, the ban would be lifted, but in the meantime had not the Mahasabha leaders been given a chance to prove themselves wiser and more realistic champions of Hindu interests than the Congress 'high command'? In the previous autumn Mr. Savarkar had dissociated himself from Congress 'extremism',<sup>2</sup> and in February he carried a resolution declaring that 'fasting as a political weapon used to bring about constitutional changes and political revolutions, irrespective of their inherent merits or demerits, especially in the conditions in India, is bound to be futile, detrimental and suicidal'.<sup>3</sup> In June he made a more constructive move. He had always taken the line that the resignations of the Congress Ministers in 1939 were a mistake and that members of the Mahasabha should retain their seats in Provincial Governments and legislatures despite their disapproval of British policy. Now he applied the same doctrine to the question of disagreement with the Moslem policy of Partition. Hindu Ministers in a Moslem-majority Province—and he clearly had Sind in mind—should record a protest if their Moslem colleagues declared their support of Pakistan, but they need not resign. Similarly—and this was of more practical importance—he suggested that 'the question of Pakistan or self-determination to secede' should be 'left entirely outside ministerial scope' in Hindu-majority Provinces. That barrier gone, Hindus in those Provinces should take the initiative in trying to form Hindu-Moslem coalitions with a view to the restoration of responsible government.<sup>4</sup> This proposal seems to have been favoured by some of the Congress leaders in the United Provinces who were still at liberty,<sup>5</sup> and a similar response was reported in the Central Provinces and Madras. At the time of writing, nothing more substantial seems to have

<sup>1</sup> Part II, 257.

<sup>2</sup> *Ibid.*, 294.

<sup>3</sup> *The Mail*, Madras, Feb. 15, 1943.

<sup>4</sup> Press telegram, New Delhi, June 11, 1943. On August 1 Mr. Savarkar resigned the Presidency of the Mahasabha (which he had held for over five successive years) on grounds of health. *Reuter*, Bombay, Aug. 1, 1943.

<sup>5</sup> Press telegram, New Delhi, July 2, 1943.

happened, but, whatever comes of the move, it is significant. It accords with the growing body of opinion among moderate or non-party Indians that Indian conditions are not suited to government by single-party Cabinets of the old British type.<sup>1</sup>

## 4

If the Mahasabha has profited from the sequestration of the Congress 'high command', so and more so has the League. It condemned the call to rebellion and held strictly aloof from the disturbances it provoked; and in the early months of 1943 it was steadily consolidating its position in the Moslem-majority Provinces. On March 3 came the Sind resolution in favour of Pakistan. This was warmly commended at a meeting of the League Council on March 7, when Mr. Jinnah was elected President for the eighth year in succession. On April 13 Sir Nazimuddin was commissioned to form a Government in Bengal. On April 23 the thirtieth Session of the League opened at Delhi.

It was, perhaps, the most impressive Session in the League's history, and it was certainly a personal triumph for Mr. Jinnah. His presidential address evoked the same sort of unquestioning response as Hindu audiences have habitually accorded to Mr. Gandhi. But, though he spoke for three hours, he broke little new ground. He asserted once again that the League's policy was the only policy by which India might quickly obtain her freedom. He accused the British Government of wanting to preserve the unity of India only in order to take advantage of the real disunity which any formal union must provoke. The Congress leaders, for their part, wanted, he said, to 'turn the whole of India into a Gandhi *ashram*'; but a Hindu Raj would be resisted 'as long as life is left in a single Moslem'. He appealed to the Hindus to disown the policy of domination.

Let us sit down as two equals and come to a settlement. . . . I ask you how you can keep on saying that it is the British who keep us apart. . . . Why should not the country say 'Unite and drive the British out'? . . . If we cannot secure power as a united India, let us take it as a disunited India. . . . The quickest way to the freedom of the people of India, both Hindus and Moslems, is Pakistan.<sup>2</sup>

As to the meaning of Pakistan—its boundaries, its constitutional framework, its economic prospects—Mr. Jinnah was as reticent as ever. The only new point he made might be taken as a refutation of the charge that the League is an upper-class organisation, not interested in the welfare of the common people. 'If the landlords and capitalists are wise,' he said, 'they will adjust themselves to the new and modern conditions of life.' Pakistan would not stand for the poverty of the masses.<sup>3</sup> But in his exposition of the general principle of Pakistan there was a new tone, a sharper insistence than before on the completeness with which Pakistan must be separated from the rest of India.

<sup>1</sup> See pp. 25, 63 below.

<sup>2</sup> *Times of India*, April 26, 1943.

<sup>3</sup> *Ibid.*

There is no such thing as a 'loose federation'. When a Central Federal Government is established, it will tighten and tighten till the units are pulverised. . . . It is not of much importance whether the units in theory have the residuary powers or the Centre. Once the units accept the basis of a federal Central Government, it follows that it will inevitably and out of sheer necessity resolve itself into an all-powerful Central authority and the units will be compelled to grant and delegate more and more powers to the Centre. We are opposed to any such scheme, nor can we agree to any proposal which has for its basis any conception or idea of a Central Government, federal or confederal, for it is bound to lead in the long run to the emasculation of the entire Moslem nation, socially, educationally, culturally, economically and politically, and to the establishment of a Hindu majority Raj in this sub-continent.<sup>1</sup>

The main resolution carried at the Session drove this separatist doctrine home. It repeated the passage in the Working Committee's resolution of the previous August which called on the British Government to declare that it would give effect to a Moslem plebiscite on Pakistan, and expressed great concern that this appeal had been ignored.

Since that resolution was passed, the speeches and statements made by responsible British statesmen, both in England and in India, lead to the conviction that not only the declaration as was asked for will not be forthcoming, but that some kind of federal constitution, not necessarily on the model of the Act of 1935, is under contemplation. This Session, therefore, warns the British Government in all earnestness that the imposition of such a constitution will be resisted by Moslem India with all its might, which will inevitably result in strife, bloodshed and misery, the responsibility for which will rest on the British Government alone.<sup>2</sup>

The resolution concluded with a call to Moslems to do their utmost to acquire the strength needed to attain 'the cherished goal of Pakistan'.

Thus, if the Congress 'high command' can be accused of the main responsibility for the widening of the Hindu-Moslem breach in 1937, the League 'high command' can be accused of stretching it now to its utmost limit. Nor is that the only analogy that can now be drawn between the Congress and the League. For Mr. Jinnah, who for some time past has exercised a personal dictatorship in the League similar to Mr. Gandhi's in the Congress, has also for some time past been trying to impose the same sort of unitary control on the 'League Ministries' in the Provinces as the Congress 'high command' imposed on the Congress Ministries; and the League's growing strength has enabled him to give a turn to the screw. At the Session he spoke of the new Ministries in the Punjab, Bengal, Assam and Sind—and the Premiers of three of those Provinces and other Ministers from all of them were among his audience<sup>3</sup>—as if they were the League's creation; and he warned them that, unless they remained 'within the orbit of the fundamental principles and policies of the League', they would lose its support. 'I regret to say', he went on, 'that the Punjab has not yet

<sup>1</sup> *Times of India and Leader*, April 27, 1943.

<sup>2</sup> *Times of India*, April 27, 1943.

<sup>3</sup> The Premier of Bengal was engaged in the final construction of his Ministry, the personnel of which was announced on April 24.

played the part it ought to play and is entitled to play because, remember, the Punjab is the cornerstone of Pakistan.<sup>1</sup> The hint was not lost on his listeners, and there was a significant outburst of cheering when, at a later stage of the proceedings, the Premier of the Punjab rose to support the main resolution of the Session. The Punjab Moslems, he said, were with their brothers of the other Provinces, and if any obstacles were put either by the British or by the Congress in the way of the legitimate and reasonable demands of Mussalmans, the Punjab Moslems would not lag behind others in making sacrifices.<sup>2</sup>

It remains to be seen to what lengths Mr. Jinnah will be able to apply the Congress technique of unitary control. The Congress Ministries, it must be remembered, were 'pure' Congress, whereas the Ministries in the Punjab, Bengal, Assam and Sind are none of them 'pure' League, since they all contain Ministers who, not being Moslems, cannot be members of the League. These Ministries may not be coalitions in the full sense of the word because they are not combinations of the strongest parties; but they profess allegiance to the coalition principle and their leaders appeal for intercommunal co-operation. To a greater or less degree, therefore, according to the local circumstances, they are bound to be embarrassed by being identified with the League and still more by being subjected to the pressure of its 'high command'. It was not unnatural, for example, that Sir Chotu Ram, the forceful Hindu Revenue Minister in the Punjab, should sharply react against the proceedings at Delhi. The fact, he said, that the Premier and most of his supporters were Moslems did not make the Punjab Ministry a League Ministry.<sup>3</sup>

While the Punjab remains the key-Province of Moslem politics, the League has been gaining strength across its western frontier. A month after the Delhi Session, another 'League Ministry' was formed, as has been seen, in the North-West Frontier Province. A few weeks later Mr. Jinnah visited British Baluchistan. Opening the third Session of the Baluchistan Provincial branch of the League, he said that it had authorised him 'to examine the possibilities of Baluchistan being maintained as a separate Province after its amalgamation with the three other units of North-West Pakistan, viz. Sind, the Punjab and the North-West Frontier Province'. At Pishin he congratulated a gathering of Pathans on organising themselves in the good cause. 'If you continue to work in the same spirit,' he is reported to have said, 'then, I assure you, the time is not far off when we shall establish our homeland of Pakistan.'<sup>4</sup>

Thus the 'orbit' of the League—and of its doctrine—has steadily expanded during 1943. No impartial onlooker can doubt the fact that it now holds at least an equivalent position among Indian Moslems to that which the Congress holds among Hindus. There are other Moslem parties. The All-India Azad Moslem Conference, which met twice in 1940 and once in

<sup>1</sup> *Times of India*, April 26, 1943.

<sup>2</sup> *Leader*, April 29, 1943.

<sup>3</sup> *Civil and Military Gazette*, April 29, 1943. <sup>4</sup> Press telegram, New Delhi, June 24, 1943.



1942, is backed by the President of the Congress, Maulana Abul Kalam Azad, and other Congress-minded Moslems; but its proceedings were reported to have made no deep impression on the bulk of Moslem public opinion. The All-India Momin Conference claims to represent a vast number of Moslem workers, and at its eighth Session, held at Delhi at the same time as the League's, its President, Dr. Zahir-ud-Din, described the Momins as the 'Depressed Classes' of Moslem India.<sup>1</sup> Certainly their opposition to the League can no more affect the main current of politics than the Scheduled Castes' opposition to the Congress. The same may probably be said of the new Moslem party, the 'Moslem Majliss', founded in Calcutta at the end of May to combat Mr. Jinnah and Pakistan and to work for Indian freedom on a federal basis and by intercommunal co-operation.<sup>2</sup> All such evidence of disunion or of personal antagonism<sup>3</sup> within the Moslem ranks is outweighed by two more substantial factors—the support commanded by the League in the Provincial legislatures and the success of its candidates at by-elections. Since the beginning of 1938, 73 Moslem members of the Central and Provincial legislatures have been elected. Three-fourths of these elections have been ordinary by-elections in 'separate' Moslem constituencies. The rest have been the triennial elections, partly made by the lower houses of certain Provincial legislatures to fill the places of the proportion of the members of the second chambers retiring under the Act of 1935. Of these 73 seats, 40 have been won by the League, 12 by the Punjab Unionist Party in combination with the League, 15 by Independents and 6 by the Congress.<sup>4</sup>

## 5

Against this background of stiffening separatism the cardinal principle of British policy—that the future of India now lies in Indian hands—stands unchanged. The primary pledges of 1942 have not been withdrawn. No one in Britain questions that, as soon as Indians can come to an agreement as to the system or systems of government under which they wish to live, the full and final transfer of power will be made. No one doubts that such matters as would have to be adjusted between a free India and Britain could easily be settled by mutual consent.

While the principles of British policy remain unaltered, there have been changes in the personnel of the administration. In July 1942 the Central Executive Council consisted of fifteen Members besides the Viceroy. Eleven of them were Indian and four British.<sup>5</sup> There are now fourteen Members besides the Viceroy. General Auchinleck has succeeded Field-Marshal Wavell as Commander-in-Chief. Sir Reginald Maxwell, Sir Jeremy Raisman and Sir Edward Benthall have retained their posts in the Home, Finance and War Transport departments. Of the ten Indian

<sup>1</sup> Press telegram, New Delhi, April 30, 1943.

<sup>2</sup> *Ibid.*, June 1, 1943.

<sup>3</sup> The assault on Mr. Jinnah on July 26 is believed to have been the act of an irresponsible fanatic and to have had no political significance. *The Times*, July 27, 1943.

<sup>4</sup> For details up to September 1942, see Part II, 338.

<sup>5</sup> Part II, 280.

Members, Sir Firoz Khan Noon, Sir J. P. Srivastava,<sup>1</sup> Sir Jogendra Singh, Sir Muhammad Usman and Dr. Ambedkar have remained in charge of the Defence, Civil Defence, Education, Posts and Air, and Labour departments. Sir Sultan Ahmed has become Member for Information, and Sir Asoke Kumar Roy has taken his place as Law Member. Sir Ramaswami Mudaliar, having attended, as Member without portfolio, the meetings of the British War Cabinet in London in the earlier months of 1943, has now succeeded Sir H. P. Mody as Member for Supply. The other two vacancies created by the resignations at the time of Mr. Gandhi's fast have been filled by Sir Azizul Huque, who has returned from his post as High Commissioner for India in London to succeed Mr. Sarker as Commerce Member, and by Dr. N. B. Khare, Premier of the Central Provinces from 1937 to 1938,<sup>2</sup> who has succeeded Mr. M. S. Aney as Member for Indians Overseas. Mr. Aney has been appointed to represent the Government of India in Ceylon—a new post corresponding to the post of representative of the Ceylon Government in India created in 1942. Sir S. E. Runganadhan, previously one of the Secretary of State's Advisers, has become High Commissioner.

The most important change in administrative personnel has occurred at the top. It was announced on June 18 that Sir Archibald Wavell had been appointed to succeed Lord Linlithgow when, after holding office for a longer time than any of his predecessors since the Mutiny, and in more difficult and dangerous circumstances than any of them since then have had to face, he ceased to be Viceroy in October. The appointment took the public by surprise both in Britain and in India. It was warmly welcomed in the British Press. Some nationalist Indian newspapers condemned it outright as proof that the 'Linlithgow policy' was to be continued 'with the additional touch of a military mind', but others recognised that the choice was necessarily linked with the hard fact that the Japanese were still at the gates of India and that Sir Archibald Wavell's political opinions were unknown and should not be prejudged. On this last question the Viceroy-designate himself threw some light in the course of a Press Conference on June 22. 'I am a sincere friend of India,' he said, 'and am wholeheartedly in sympathy with her aspirations to political development', but he pointed out that the attainment of her goal requires 'the removal of the Japanese menace'. The greater her war-effort, 'the sooner will the shadow of war pass from her and the earlier can she achieve her aim of full self-government'.

This does not mean that I go to India as a soldier or that there can be no political progress before the end of the war. I have put off my uniform—with what regrets you may imagine—and ended my active military career in the hope that I can better serve our cause and India as a civilian. There is certainly no intention to set up anything in the shape of military rule or

<sup>1</sup> Sir J. P. Srivastava took over the Food Section of the Commerce department in August.

<sup>2</sup> Part II, 123-4.

to withdraw or weaken in any way the pledges and offers already made to India by His Majesty's Government. It will naturally occur to you that it is not so easy to put off a military habit of mind by a simple change of garb. But it is a mistake to think that a soldier's mind is always occupied with military affairs. I have had some experience in other countries with the machinery of government and with political developments; and as a Member of the Viceroy's Council for the last two years have at least gained some knowledge of India's problems and administration. I am very well aware how little I know of that vast country; and in the weeks before my departure I shall apply myself to studying the situation, seeking advice, and, I hope, to preserving an open mind. . . . I am under no illusion as to the difficulties ahead, but I have confidence in India's future and hope that men of wisdom and goodwill may be found to help her to the position in the world to which her history, the size of her population, her importance and her traditions of industry and kindness entitle her.<sup>1</sup>

'Political progress before the end of the war'—that aspiration accords with the British as well as the Indian mood. The British people want the Indian deadlock to be broken; and it could be broken if the major forces of Indian public opinion could come to terms. Political progress would then be possible at once and in two ways. If only the Indian leaders were agreed about it, they could obtain without delay—as the Cripps Mission made plain<sup>2</sup>—a greater measure of real political power than they now enjoy without any drastic change in the existing constitution. And, though there are practical difficulties in bringing about the final transfer of power from Britain to India before the cessation of hostilities, would it not be possible—if only the Indian leaders would favour it and share in it—to begin forthwith the discussion of the constitutional problem and to work out at least the main principles of its solution? If such an effort were made, and, despite the doubters, proved successful, then India would be ready, when the final victory was won, to enjoy with little delay the national freedom which victory had saved for her and to take her rightful part, too, as an independent nation, in building a new international order of the world.

<sup>1</sup> *The Times*, June 28, 1948.

<sup>2</sup> Part II, chap. xxi.

## CHAPTER II

### DIAGNOSIS

#### 1

It has become abundantly clear in the course of this inquiry that the Indian situation is not a simple case of nationalism in revolt against foreign rule. It more nearly reflects the situation described by Lord Durham in a famous passage of his great Report.

I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle not of principles but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English. . . . Our happy immunity from any feelings of national hostility renders it difficult for us to comprehend the intensity of the hatred which the difference of language, of laws and of manners creates between those who inhabit the same village and are citizens of the same state. We are ready to believe that the motive of the quarrel is something else; and that the difference of race has slightly and occasionally aggravated dissensions which we attribute to some more usual cause. Experience of a state of society so unhappily divided as that of Lower Canada leads to an exactly contrary opinion. The national feud forces itself on the very senses, irresistibly and palpably, as the origin or essence of every dispute which divides the community; we discover that dissensions, which appear to have another origin, are but forms of this constant and all-pervading quarrel; and that every contest is one of French and English in the outset or becomes so ere it has run its course.

Durham went on to point out that, while the English minority were more eager than their opponents for economic and social reform, it was the French who took their stand on the principles of democracy, asserting 'the most democratic doctrines of the rights of a numerical majority'. In these circumstances, and in view of the recent aggravation of the feud by the abortive French rebellion, Durham declared that 'never again will the English population tolerate the authority of a House of Assembly in which the French shall possess or even approximate to a majority'.<sup>1</sup>

Durham had gone out to Canada with the idea that the problem could be solved by a federation of the Provinces, but he was so much impressed by the bitter hostility between the races that he came to the conclusion that it was neither safe nor, in view of British opposition, practicable to leave the French Canadians in a majority in a Province of their own. He therefore recommended the reunion of Upper and Lower Canada into the single Province it had been before 1791, in the belief that the French Canadians, confronted in a United Canada with a British majority steadily

<sup>1</sup> *Durham Report* (Oxford, 1912), ii, 16-17, 22, 26, 53.

increasing as a result of immigration, would gradually become assimilated to it in language and ways of life until their distinct nationality had virtually disappeared. Durham's advice was followed in the Union Act of 1840, but it proved mistaken. French-Canadian nationalism, fortified by its faith, proved far more tenacious than Durham had expected. More self-conscious, indeed, and more self-confident than before, it stubbornly resisted the policy of denationalisation and subordination. The adoption of Durham's second proposal—responsible government in Provincial affairs—did not ease the situation; and it was presently evident that, though they had common economic interests and though each of them was divided in itself to left and right, the gulf between the two communities was too wide for a unitary parliamentary system to be practicable. The deadlock was only resolved when the leaders of both communities came together and decided to revert to Durham's 'first thought'. In 1867, a new constitution, framed by them, accepted by the British Government and enacted by Parliament, redivided United Canada into the Provinces of Ontario and Quebec and linked them with their neighbours in a federal pan-Canadian State which, as soon as it was ready for it and wanted it, acquired Dominion Status.

Seventy-six years of Federation have not eliminated the race problem in Canada. It still generates heat from time to time on certain issues. But it is no longer dangerous. Wild talk about secession, such as was current in the early days of the quarrel, has long been hushed. The French-Canadian minority, which numbers about one-third of Canada's total population of some 11½ millions, is content with its status. For this there seem to be three main reasons. (1) First and foremost it is safely and solidly established in its own old 'national home', the Province of Quebec. For it possesses a majority there of 81 per cent., and under the constitution, which allots the control of education and by implication, if not by definition, of the other social services to the Provinces,<sup>1</sup> it exercises complete autonomy. Its religion, its language, its habitual ways of life are secure from external interference. (2) Secondly, owing to its geographical position and mineral resources, the economic interests of Quebec are broadly identical with those of Ontario, and, unlike some other Provinces, it has had no reason to complain of the Federal Government's fiscal policy. (3) Thirdly, the French Canadians have shown a practical political sense and solidarity which have given them greater strength at the Centre than they would otherwise have enjoyed. If they obtain the support of a fair-sized section of opinion outside Quebec, they can dominate federal politics. As a result of this a convention has been established under which the French Canadians are always represented in the Federal Government, and there seems to be at least an understanding, if not yet a regular convention, that on any issue of first-rate

<sup>1</sup> The Sirois Commission on Inter-Provincial Relations, reporting in 1938, strongly recommended that all residuary power in the field of the social services should be vested in the Provinces.

importance the Federal Government will not adopt a policy to which its French-Canadian members are resolutely opposed.<sup>1</sup>

Thus the Federation of Canada provides an encouraging example of a multi-national State. It combines freedom with unity, and its young life is the richer for being linked with more than one great cultural tradition of the Old World.

A second analogy with the Indian situation deserves attention, because, though similar in some respects to the Canadian analogy, the story it tells has had another ending. The Irish problem is akin to the Canadian problem in so far as it arises from a difference of race, stiffened by a difference of religion. And up to a point the method of dealing with it was the same. Ireland was united with Britain on the morrow of an Irish rebellion and mainly for strategic security. It was hoped that the Irish would be merged in British politics, as the Welsh and Scots had been merged, and divide, as they had divided, on other than nationalist grounds. But the Irish constituted an even more solid block than the French Canadians. Their interests and grievances were purely Irish. They shared no common ground with British parties. They were nationalists and nothing else, and doomed as such to the status of a permanent minority. Yet it was a strong enough minority to make it as clear in the British Isles as it had been clear in Canada that the smooth working of parliamentary government of the British type is impossible in a State which is not sufficiently homogeneous. Unhappily the Canadian solution of the deadlock was not attempted. A reconstruction of the constitution on federal lines was never seriously considered. The 'Home Rule' policy was not federal: it did not contemplate a federal government for the British Isles distinct from the Government of Britain; nor did it apply the federal principle to Ireland itself. Ireland was to have a single parliamentary system; and it was mainly because that would reproduce at Dublin the converse of the situation which had so long existed at Westminster that 'Home Rule' was defeated. For the Ulster Protestants were prepared to fight rather than submit to Catholic majority rule. So the deadlock persisted till finally, after the tragic events of the first World War and its aftermath, the knot was cut by Partition—a twofold Partition, since it not only divided the British Isles but also divided Ireland itself, and a Partition which did not solve the minority problem, since, while the Protestant minority of 6 per cent. in Eire may acquiesce in the new *régime*, the same cannot be said of the Catholic minority of 33 per cent. in Northern Ireland.

The points of similarity between the Indian problem and these Canadian and Irish problems are clear enough. In all three cases it is the problem of a society in which the minority is so different from the majority that a parliamentary system based on simple majority rule cannot work. And in India, as in Canada and the British Isles and in Ireland itself, the minority

<sup>1</sup> The refusal of Mr. Mackenzie King's Government to introduce conscription for military service in the present war seems to be an example of such an understanding.

is a majority in a certain geographical area which it regards as its 'national home'. But historical analogies are never exact, and a closer examination of the Indian problem will show how different it is in many ways from the Canadian or the Irish problem, and, as the examination proceeds, it may seem possible that the solution of it may be different too, that India may resolve the deadlock neither by Partition nor by Federation, but by something between the two.

## 2

What then is the essence of the Indian problem? What are the solid obstacles that must be overcome if it is to be solved?

There are several, but only one is of cardinal importance. The division between British and Indian India is not that one. The difficult and complex problem of the States cannot, of course, be brushed aside, but it is not the major problem, and for that reason the discussion of it will be postponed to a later chapter. Of the chief communities engaged in the British Indian controversy one of the most important is the Scheduled Castes: they number nearly 50 millions, and they are entitled to the fullest protection of their minority rights; but they are weak in organisation and resources, and are more concerned to promote than to contest a settlement in which the greater parties concur. The Sikhs, though they number less than 6 millions, are a formidable body, but their problem is a local problem, and it ought not to prove impossible to solve it on local lines. The membership and influence of the Hindu Mahasabha have been steadily growing during the last few years; but the cause of that growth has been the deadlock and the 'extremism' it has inevitably fostered; and it is scarcely conceivable that, if the deadlock could be broken, the intransigence of the Mahasabha could prevent a settlement. There remain the Congress and the League—the one far the strongest Hindu party (for it is predominantly Hindu), the other far the strongest Moslem party. It is in the conflict between these two great parties or, more strictly, in the Hindu-Moslem schism which that conflict reflects that the supreme obstacle to an agreement is to be found. Is it not reasonably certain that, if a general Hindu-Moslem settlement could be achieved with the backing of the Congress and the League, the full and final enfranchisement of India would be in sight?

In order to assess the possibilities of such a Hindu-Moslem settlement it is necessary to understand, as clearly as may be, what the quarrel is about and why it has become so much exacerbated in recent years. It is at root a cultural conflict—a conflict between two religions and the sharply contrasted ways of life and thought they impose on their adherents.<sup>1</sup> Except

<sup>1</sup> For a fuller analysis see Part I, chap. iii. Western readers may not easily appreciate the extent to which religion permeates Indian life. The average Indian thinks of himself first as a Moslem or a Hindu of a certain caste and so forth. Not until this religious group-consciousness has been eclipsed, as it has long been in most Western countries, by a sense of allegiance to some other kind of group will Indian politics cease to be dominated by religious differences.

on the north-west frontier there is little difference of race. But the cultural conflict is reinforced by political tradition. The Hindus look back to a golden age of Hindu empire before the Moslem invaders came. The Moslems recall the time, less than three hundred years ago, when they ruled over most of India and treated the Hindus as a subject people. They remember, too, that, while the Hindus have little footing in the outside world, the Moslems, though a minority in India, belong to a great fraternity whose habitation stretches from the borders of India across the Middle East to the Mediterranean and the Atlantic.

It is this political aspect of the feud which now dominates all else, and the reason for that is crystal clear. In the earlier or autocratic stage of British rule in India the political tradition was concerned only with the past: it had no present meaning. Neither Hindus nor Moslems possessed political power: nor had they any reason for anxiety lest it should be used by those who did possess it to the disadvantage of one religion or the other. Religious peace was part of the *Pax Britannica*. Toleration was imposed by a neutral authority. But the birth of Indian nationalism brought politics into the picture, and inevitably, almost automatically, Hindu-Moslem antagonism grew with its growth. A movement to free India from its British rulers was bound, whatever its political ideology might have been, to raise the question who were to take those rulers' places; and Indian nationalism raised it in the sharpest form because, breaking away under British tutelage from Indian tradition, it adopted from the outset the democratic ideology of the West. Crudely interpreted, democracy means the rule of the majority, and Indian Moslems were well aware that they numbered rather less than one-quarter of the Indian people.

This explanation is not an example of wisdom after the event. Time after time British statesmen protested that democratic self-government as generally practised in the West, and particularly the British form of it, could not operate successfully in India mainly because of the Hindu-Moslem schism: and, when at last the parliamentary principle was conceded, the concession was admittedly an act of 'faith'. The authors of the reforms of 1919—and that was the decisive step—appealed to the communities to subordinate their sectional interests to the greater welfare of the whole in order to achieve the goal of Indian nationhood. 'The vision is one that may well lift men up to resolve on things that seemed impossible before.'<sup>1</sup>

Those hopes were not fulfilled. Hindu-Moslem tension increased. There were more, not fewer, riots. Conceivably, if the system of representation had been wholly non-communal, a beginning at least might have been made of intercommunal co-operation for political purposes. But representation by communities was regarded—even by those who, like Lord Morley, were strongly opposed to it in principle—as an unavoidable necessity, though in fact it undermined the foundation of parliamentary government

<sup>1</sup> Part I, 54-7.



of the British type; and the effect of communal representation was stiffened by the firm refusal of the Moslems to dispense with separate electorates. The result was a steady growth of communal self-consciousness in politics as in everything else. Conceivably, again, the 'faith' of 1919 might have been ultimately justified if the gradual method then contemplated for the advance to full self-government had been very gradually applied. But that was quickly ruled out by the new zest and strength of Indian nationalism, backed by the current of ideas set flowing by the first World War. The Act of 1935 abandoned 'gradualness'. It brought the development of Indian self-government up to its last stage, a stage that could be crossed without further legislation. In 1937 the end of the process was reached or almost reached in the Provinces, and, when the second World War broke out, its culmination at the Centre was clearly in sight. Thus there was no long period of transition during which Hindus and Moslems could enjoy a substantial, if imperfect, measure of self-government and learn, so to speak, to play the game while the neutral umpire was still there to watch it. Somehow or other, it was generally agreed, the complete emancipation of India would be one of the more or less immediate results of the war. Thus, before they had expected it, and before they were prepared for it, the rival communities were confronted with the imminent prospect of those British arbiters going home and leaving the scales of justice between them entirely in their own hands.

This sharp acceleration in the pace of political advance was inevitably accompanied by an equally sharp accentuation of communal schism. The old gulf widened so fast and so far that presently it threatened to break India in two. In 1940 Mr. Jinnah and the League committed themselves to the policy of Pakistan. The gravity of that decision was unmistakable: for it meant that the Moslem leaders had wholeheartedly accepted the 'two-nation' doctrine and would preach it henceforth with redoubled zeal. And the spread of that doctrine and of the idea of separation to which it logically led was bound to make Indian Moslems more aware than most of them had ever been before that the faith which united them among themselves divided them from other Indians: it was bound to weaken their sense of community and strengthen their sense of difference. How far this tendency could go was illustrated by a booklet published in Lahore in 1941 which otherwise would scarcely call for mention.<sup>1</sup> It sought to prove that the Moslems could not form any kind of political union with the Hindus because *inter alia* the climate of the area in which most of the Moslems live is drier and cooler than that of the predominantly Hindu areas, because Moslems eat wheat and Hindus rice, because camels are found only in the Moslem North-West and coconuts and rubber only in the Hindu South, and so forth—all illustrated in the scientific manner by maps showing the distribution of the rainfall and the cereals and the camels and the coconuts. Nor was the 'extremism' of the new Moslem attitude the only dis-

<sup>1</sup> *Pakistan, a Nation*, by 'El Hamza'.

quieting factor in the situation. The demand for Partition not unnaturally provoked a counter-demand from the Hindus that 'the vivisection of Mother India' should never be allowed. Exaggeration of the differences in India was met by exaggeration of its unity. Controversy became bitter and bellicose. While the membership of the Congress, professedly non-communal and conciliatory, fell, the membership of the Mahasabha, frankly communal and militant, rose. Nor was it only among the politicians or the intelligentsia that the feud was now intensified. For some years past the extension of the franchise based on communal representation had been tending to give a new political edge to the old communal antagonism of the masses: now it was deliberately sharpened by the rival propagandists. Again the tension increased and the tale of rioting and bloodshed grew. It seemed, in fact, as if the great communities were lining up for battle, and there was widespread talk of a coming civil war. Pessimists even argued that civil war was almost a necessary incident in the process of achieving a united nationhood. Had not the great American Republic achieved it by that means?<sup>1</sup> Such desperate doctrine accorded too well with the sombre fatalism which still haunts so much of Indian thought and teaching, both Moslem and Hindu; and it was disquieting to observe that it was not instantly denounced by Indian leaders. Mr. Gandhi, for example, might have been expected to have felt at once the promptings of what he has called his 'irrepressible and out and out non-violence'<sup>2</sup> and to have said straight out that, whatever happened, Hindus and Moslems must not fight and that a settlement attained by force could not be a valid or durable settlement. But he did not take that line. 'We may have to fight amongst ourselves', he wrote in 1941;<sup>3</sup> and on subsequent occasions he alluded to civil war, not as a catastrophe to be avoided at all costs, but as something that might have to happen.<sup>4</sup>

## 3

No thoughtful observer of these developments will be tempted to underestimate the seriousness of the situation. Wishful thinking on the communal question has done harm enough in the past: it is clearly fatuous now. Civil war, it is true, may be only a nightmare. It is easier to talk of it than to launch it. It means more than widespread, sporadic rioting. It needs organised forces and modern arms. Nor should it be possible as long as there is any Government worth the name in India. But, apart from actual fighting, it may be that the gulf has now become too wide to be bridged. It may be that the unity of India has already been broken beyond repair. It may be that the only cure for her disease will seem in the end to be the surgical operation of Partition. But, if those possibilities cannot be ruled

<sup>1</sup> This strange argument overlooks, of course, the fact that the American Civil War was not fought to create a Union but to prevent the Southern States from destroying a Union which had been established by consent and had lasted more than half a century.

<sup>2</sup> Part II, 214.

<sup>3</sup> *Ibid.*, 259.

<sup>4</sup> *Ibid.*, 290, 298.

out, no one is entitled to assume that they are certainties. Is the outlook in fact as dark as it sometimes seems to be? Do the protagonists in the conflict really mean all they say? And, ready as Indians are to take their cue from their leaders, do the rank and file of the intelligentsia really contemplate a civil war? The long deadlock, aggravated by the world crisis, has bred in many of them, especially perhaps among the younger generation, a sense of impotence and frustration. They feel they have been caught in a current beyond their power to control. But now that it is plain to what it is flowing, now that the brink of the cataract is in sight, will they let themselves be carried over it without a struggle? Is it not probable that, if a just and honourable settlement could be achieved, the vast majority would rejoice at it? And the same applies to the millions of ignorant countryfolk. No doubt the party warfare has stirred them deeply. There is more communal suspicion and jealousy, more fear and hate, than there were. But can anyone imagine that Indian villagers prefer that kind of life? And it must be borne in mind how relatively short is the period in which the old feud has been worked up to its present pitch. Elderly folk can remember how as children they shared, Hindus and Moslems, in each others' religious festivals and even sat together at the feet of each others' spiritual teachers. Would they not like to get back to those times? And they are still, it must be repeated, amenable to leadership. If that just and honourable settlement were concluded, and if thereupon the communal leaders went about the country telling their people that peace had been made and their rights were safe, is it not probable that the tension would be at once relieved? There would still, no doubt, be quarrels on occasion: a trivial incident might still from time to time provoke a riot; but surely the talk of civil war would die away as quickly as it has arisen.

Is such a settlement inconceivable? Something will be said presently as to the change it would require in the attitude of the Congress 'high command'. It would not be an easy change, for the idea of taking charge of the destinies of India has long been lodged in Congressmen's minds. But it is otherwise with the League. The most significant point about its present policy is its novelty: the doctrine of Partition has been preached for so short a time that Moslem convictions about it can hardly yet have set in an unbreakable mould. The left-wing Moslems, with Mr. Jinnah at their head, have a long tradition behind them of co-operation with the Congress in the cause of Indian nationalism. In 1916 the Congress and the League concluded the Lucknow Pact.<sup>1</sup> In 1919 and 1920 their alliance was so close as almost to amount to fusion.<sup>2</sup> If they drew apart after the breakdown of the Caliphate Movement, it was not so very far apart. Mr. Jinnah, it seemed in those days, had no anxiety about the coming of a Hindu 'Raj'. The communal problem was forced to the front and acquired a more concrete shape in the course of the long discussion which led up to the Act of 1935, but the Moslem leaders who took part in it—Mr. Jinnah among

<sup>1</sup> Part I, 47-9.

<sup>2</sup> *Ibid.*, 73.

them—never pressed their claims to the breaking-point. No agreement, it is true, was reached on communal representation by the communities themselves, but, when that question had been settled for the time being by the Communal Award, the Moslems accepted the general principles of the projected constitution. They may have had misgivings, but they seem to have trusted that their rights would be sufficiently protected in the future (1) by the continuance of 'separate electorates' and of 'weightage' in the Hindu-majority Provinces, (2) by the 'safeguards' for minorities both Central and Provincial, (3) by the allocation of one-third of the seats in the Central legislature to Moslems, (4) by the composite or coalition character which, it was thought, the Provincial and Central Governments would inevitably assume, and (5) by the neutralising influence which the representatives of the States might be expected to exert at the Centre. Throughout the discussion—and this is the vital point—an all-India federation of some kind was taken for granted. The idea that the political unity of India might be broken seems never to have crossed the mind of any of the Indian representatives. Questioned about Pakistan at the Joint Select Committee in 1933, the Moslem delegates brushed it aside: it was 'a students' scheme', they said, 'chimerical and impracticable'.<sup>1</sup> Finally, when the Act of 1935 was passed, Mr. Jinnah and the League only differed from the Congress leaders in acquiescing—as those leaders, too, ultimately acquiesced—in the new Provincial constitution and desiring to work it 'for what it was worth'. They agreed with the Congress leaders not only in rejecting the federal scheme, but as to their reasons for rejecting it. It was not because the scheme attempted to impose on India a closer unity than it could bear, not because it treated the Moslems as a 'minority' rather than as a 'nation', not because it established a system of parliamentary government under which at the Centre, as well as in seven out of the eleven Provinces, the Hindus would be in a permanent majority, but because the scheme was not sufficiently democratic, because it conceded too much to the sovereign rights of the Princes and withheld an immediate grant of full responsible government at the Centre.<sup>2</sup>

Those were the League's opinions, those were Mr. Jinnah's opinions, as late as the spring of 1937. By the autumn they had not merely been altered: they had begun to be reversed. By 1940 the reversal was complete. So far from insisting that the Centre must be more democratic, Mr. Jinnah now declared that there must be no Centre at all just because it would be democratic. So far from demanding constitutional concessions from the Princes, the League denounced the Congress agitation in the States.<sup>3</sup> This *bouleversement*, so startling both in the length to which it went and in the rapidity with which it happened, is clearly the most significant thing in the whole complex of Indian politics. It may indeed be said that to understand it and the reasons for it is to cut straight down to the core of the major problem and come near to finding a key to its solution.

<sup>1</sup> Part II, 199-200.

<sup>2</sup> *Ibid.*, 9-10.

<sup>3</sup> *Ibid.*, 197.

For, if it could be shown that this sudden and far-reaching change in Hindu-Moslem relations was not the inevitable outcome of inexorable circumstances, but that it was mainly, if not wholly, due to human mistakes, and if, as far as possible, those mistakes were undone, then is it too much to hope that, wide as the chasm gapes to-day, it might still prove possible to bridge it?

## 4

What was it, then, that happened in 1937? On April 1 the Provinces became autonomous—liberated, that is, from the control of the Centre in all Provincial affairs—and their government became, subject to ‘safeguards’, full responsible government. Thus the evolution of parliamentary self-government in the Provincial field was virtually completed, and that in itself might have been expected to bring to a head the communal antagonism which had been growing *pari passu* with that evolutionary process. But it did not. Such communal disturbances as occurred in the Punjab in the course of the first few months of the new *régime* were not in any way abnormal.<sup>1</sup> The communal atmosphere in the United Provinces was no worse than before. There was no marked increase of tension anywhere. Clearly, then, there was nothing in the working of the new constitution at the outset to cause Mr. Jinnah to regret his decision to work it ‘for what it was worth’ or to revive the old distrust of parliamentary government among the Moslem leaders at large. The change came in July, when the Congress Governments took office. It was the Congress policy, the Congress conception of how the constitution should be worked, that reopened the breach. These developments have been recorded in detail in Part II of this Report; and for present purposes it will be sufficient to recapitulate the main points.

(1) The Congress leaders’ acceptance of office had been preceded by a discussion about the operation of the ‘safeguards’. Though no constitutional ground was surrendered by the Viceroy or the Governors, the fact that the Congress leaders professed themselves satisfied with the upshot of the discussion was bound to create the impression that the effectiveness of the ‘safeguards’ had been undermined.<sup>2</sup>

(2) On taking office the Congress leaders adopted the policy of ‘no coalitions’. Though in some of the Congress Provinces the leaders of the Moslem League had maintained an *entente* with the Congress during the elections and were expecting to share in the fruits of victory, ‘pure’ Congress Governments were formed in all the Congress Provinces. The League was told that it could only obtain a share of office if it became ‘part of the Congress party’ and subject to its control. At the same time a ‘mass-contact’ movement was launched to shepherd the Moslem countryfolk into the Congress fold. That a ‘Congress Raj’ had now been established in the Congress Provinces was confirmed by the use of the Congress flag and the Congress ‘national anthem’, by the claims of Congress committees

<sup>1</sup> Part II, 47.

<sup>2</sup> *Ibid.*, 19-21.

to be part of the governmental machine, by the exuberance of party demonstrations, and by the conduct and demeanour of individual Congressmen.<sup>1</sup>

(3) All the Congress Ministers and members of the legislatures were controlled, and except in one Province strictly controlled, by the Congress 'high command'. Congressmen in the non-Congress Provinces were under the same discipline and forbidden *inter alia* to join in coalition Governments. This unitarian policy implied that, when full self-government was established at the Centre and in so far as the Congress obtained control of it, Provincial autonomy, however protected by the constitution, might be undermined by the same extra-constitutional procedure.<sup>2</sup>

(4) The possibility or probability of the Congress obtaining control of the Centre was foreshadowed by the agitation for responsible government in the States, incited and supported by the Congress 'high command'. Before the campaign was called off, mainly because of the unprecedented communal feeling it had aroused, it had achieved a certain measure of success, and it was evident that the Congress leaders were looking forward to securing sooner or later that the States' representatives should not be nominated by the Rulers but elected by the people. In that event the States' votes in the Central legislature might soon become Congress votes.<sup>3</sup>

(5) The prospect of a Congress Raj in general was confirmed by the official Congress plan for an all-India Constituent Assembly, elected as far as possible on adult franchise, to frame the new constitution in accordance with the 'logic of democracy'. In view of the strength of the Congress organisation throughout India, so strikingly demonstrated at the elections of 1936-7, the kind of constitution thus framed was likely to be the kind of constitution that the Congress wanted.<sup>4</sup>

(6) Congress leaders, finally, though they sometimes admitted that the Congress would have fulfilled its mission and might cease to exist when India's freedom had been won, were clearly intending that the Congress should not only have the chief voice in determining what form of free government should be adopted but should also, in the first instance at any rate, take charge of it. Mr. Gandhi, indeed, made no secret of it. He spoke in 1940 of the Congress developing 'sufficient strength to take delivery' from the British Government;<sup>5</sup> and some two years earlier he had said that the Congress might soon 'replace the Paramount Power' in the States.<sup>6</sup> When at last in 1942 he declared 'open rebellion', he assumed that, if the British Government surrendered, 'real power' would be 'handed over to the Congress', which would then consult with other parties as to the future government of India.<sup>7</sup>

That the Congress should have taken this line was not unnatural. For many years in the past it had been practically the only vehicle of Indian nationalism, and after 1920, when under Mr. Gandhi's leadership it became a revolutionary movement, it gradually built up a nation-wide organisation

<sup>1</sup> Part II, 101-3, 109-12.

<sup>4</sup> *Ibid.*, 107.

<sup>2</sup> *Ibid.*, 120-5.

<sup>5</sup> *Ibid.*, 242.

<sup>6</sup> *Ibid.*, chap. xvi.

<sup>7</sup> *Ibid.*, 293.

which not unreasonably claimed the allegiance of all Indian patriots and developed a kind of 'parallel government', prepared to 'take delivery' when the time came. Nor was it wrong in itself to desire to concentrate all the forces of Indian nationalism in a single organised movement. That was obviously the best way to hasten the attainment of Indian freedom. 'If Congress could in fact speak,' said Mr. Amery as Secretary of State for India in 1940, 'as it professes to speak, for all the main elements in India's national life, then, however advanced their demands, our problem might have been very different and in many respects far easier than it is to-day.'<sup>1</sup> But the Congress could not prevent other nationalist parties from being formed, nor, non-communal though it was in principle and organisation, could it easily fuse them into itself in one revolutionary body. Something less than that, however, seems to have been possible. There is little doubt that a close inter-party alliance might have been concluded in 1937. But the Congress leaders were not content with that. Convinced by the result of the elections that in the greater part of British India they had the mass of the people at their back, they tried to establish a single-party system by political *force majeure*.

It is important to understand why that attempt was made. Party rhetoric has ascribed it to the arrogance and folly of the Congress leaders—they were 'drunk with victory'—but that, of course, is a shallow judgment. It would be fairer to say that the decision to form 'pure' Congress Governments, however mistaken, was virtually dictated by the character and purpose of an organisation, a movement, which was necessarily totalitarian because its aim was revolution. Not without hesitation and debate the Congress had set its hand to the working of a constitution which from its point of view was only half a constitution. It offered self-government in the Provinces, but it withheld self-government at the Centre. Hence the declared dualism of Congress policy when Provincial office was accepted: the constitution was to be worked and at the same time to be combated and ended.<sup>2</sup> And, though ardent social reformers might want to make the most of their power in the Provinces, it was never forgotten by the 'high command' that the Congress Governments had now become part of the Congress machine, that the supreme objective of that machine was national independence, and that at any moment it might seem necessary for the attainment of that objective to put the whole machine in motion with a speed and force which only unitary control could give it. Plainly that strategy ruled out coalitions. The Moslems of the League might desire *Swaraj* as ardently as Congressmen, but not a Congress Raj. Concerted action to secure the abdication of the existing Government was impossible without a prior agreement as to the position of the Moslems in the Government which would take its place.

But, if the Congress decision to seek a 'short cut' to national unity by overriding or absorbing the League was not an unnatural decision, it was

<sup>1</sup> Part II, 247.

<sup>2</sup> *Ibid.*, 20.

none the less mistaken. It was, indeed, as Hindu opinion has become increasingly aware, the great mistake.<sup>1</sup> For, if the Congress decision was natural, so was the League's reaction to it. The main planks to which they had trusted when they accepted the new constitution had been cut from under their feet. Even the communal structure of the electoral system on which they had so tenaciously insisted for so many years seemed now to have little practical value. They might cling more stubbornly than ever to their 'separate electorates', but of what use were 'separate electorates' if the principle which inspired them applied only to representation in the legislature and not, as it logically should, to representation in the executive also? Nor was consolation to be found in 'weightage'. In the lower house in the United Provinces, for example, the Moslems had 64 seats, which was about twice the number to which their numerical proportion of the population (14 per cent) entitled them. But the total number of seats was 228, and the Congress had won 134 of them. The harsh fact stood out—and it was underlined by the triumphant exuberance of the rank and file of Congressmen—that the Moslems in the Congress Provinces were a small minority, and a permanent minority. Unless the Congress on its part were willing to abandon its totalitarian policy, those Moslems who for their part refused to merge their communal identity in a predominantly Hindu organisation would be for ever debarred from a share in the government of their Provinces.

To those Moslem leaders who did refuse to be absorbed into the Congress and subjected to its discipline this prospect seemed intolerable. It challenged in the first place their sense of self-interest and self-respect. Not only would they be deprived of the power, the prestige, the influence and the emoluments of office: they would be unable, to put it on a higher plane, to play their part in the wider public service of their country. But there was more than that in the Moslem reaction. The inauguration of a Congress Raj, which soon came to be regarded as virtually a Hindu Raj,<sup>2</sup> awakened memories of the past in Moslem minds and created thereby a complex of pride and fear. To Indian Moslems the golden age of Indian history is the age of the Mogul Empire, and especially in northern India it was not to be expected—once the issue had been raised in so direct a form—that the descendants of the men who not so very long ago ruled the Hindus from Delhi should now be willing to be ruled by the Hindus from Wardha. And there was fear as well as pride. Hindus also remember the Mogul Age, and,

<sup>1</sup> The general assumption that, if responsible Governments were re-established in the Congress Provinces, they would be Coalition Governments implies a recognition of the mistake. So, of course, does Mr. Rajagopalachari's policy (Part II, 270). It is recognised by several eminent Hindus: e.g. Sir Chimanlal Setalvad (Foreword to G. S. Mahajan, *The Problem of the Minorities*, Bombay, 1941, p. 3), Dr. C. R. Reddy (*Congress in Office*, Madras, 1940, pp. 43-6), and Professor Beni Prasad (*The Hindu-Muslim Questions*, Allahabad, 1941, pp. 7-9).

<sup>2</sup> See Part II, chap. xvii. In a sympathetic account of the Congress régime in the United Provinces Sir Harry Haig (Governor, 1935-9) writes: 'The enthusiasm of the masses for Congress Raj melted imperceptibly into ideas of Hindu Raj, which were certainly prevalent throughout the Province. These ideas were deeply resented by the Muslims who were invincibly determined not to be ruled by the Hindus.'—'The United Provinces and the New Constitution' in *Asiatic Review*, July 1940, pp. 428-9.



if they obtained so powerful a Hindu Raj as to put the Moslems at their mercy, might they not recall its latter days rather than the days of its prime, not so much the tolerance and humanity of Akbar as the bigotry and persecutions of Aurungzeb? And had they ever forgotten what happened when the collapse of the Mogul Empire exposed India once again to those Moslem invasions across the north-west frontier from which she had so often suffered in the past—how Nadir Shah, the Persian, captured Delhi and gave his army leave to loot and kill till fifty thousand of its folk lay dead? ‘The idea of revenge’, said Mr. Muhammad Ali in 1931, ‘is too much in the minds of our young men who have been mistaught Indian history chiefly for political reasons.’<sup>1</sup> But, though memories of subjection, as Englishmen have learned in Ireland, can last long and keep their bitterness, it is hard to believe that cool-headed Moslems could suppose a Hindu Government to be capable in these days of acting vindictively because of things that happened so long ago. The more genuine and general fear awakened in Moslem minds after 1937 was more reasonable than that. Might not Hindu political ascendancy, backed by Hindu wealth and economic power, mean that, slowly but steadily, Indian Islam, already a trifle tinctured with Hinduism, would become more and more suffused with it until at last it had almost lost its old identity? That is what happened to Buddhism. Might not Islam, whatever its strength beyond the mountain walls of India, suffer the same fate within them? To the devout Moslem there is something dreadful, beyond Western understanding, in the thought of the relentless overgrowing of his faith by what he regards as the Hindu jungle.

At the outset all those elements in the Moslem reaction were operating only in the Hindu-majority Provinces. In the Moslem-majority Provinces the position of the Moslems in public life was obviously secure; and there seemed nothing at first in the creation of Congress Governments elsewhere to wound their pride or excite their fear. But presently the new surge of Moslem sentiment began to be felt in the Punjab and Bengal and Sind.<sup>2</sup> There were two main reasons for this. In the first place those Moslem majorities were bound to be affected by the reports of what was happening to their brethren under the Congress Raj—the ‘atrocities’ and ‘sufferings’ which in due course were formally listed and written up, sometimes in inflammatory language, for publication.<sup>3</sup> Secondly, the Congress Provincial régime in operation revealed in concrete shape the strength, the efficiency and, above all, the strictly disciplined unitarianism of the Congress machine. Thirdly, the Congress attack on the sovereignty of the Princes was not only resented by Moslems at large in so far as Moslem Princes were affected, and in particular the Nizam of Hyderabad, whose high standing in the Moslem world is a source of pride to Indian Moslems: it was plainly an attempt—and the Moslems saw it—to strengthen the Congress hold on the Central

<sup>1</sup> *Last Words of Maulana Muhammad Ali*, published by the Central Khilafat Committee (Bombay, 1931), p. 21.

<sup>2</sup> The peculiar position in the N.W.F.P. is described in Part II, 121-3.

<sup>3</sup> *Ibid.*, 185-8.

Government of the future.<sup>1</sup> Thus, for more reasons than one, in the Moslem-majority Provinces as elsewhere, the prospects of federation darkened. Even the Punjabi Moslems, forced to contemplate a Centre controlled by the Congress machine, became infected in some degree with that complex of pride and fear. Nothing, indeed, is more significant than the steady growth of the all-India Moslem League and of Mr. Jinnah's authority in the self-confident, self-contained Punjab, and its gradual, if reluctant, acquiescence in the doctrine of Pakistan.

So the Moslem reaction to the idea of a Congress Raj spread throughout Moslem India. And it steadily stiffened. Once suspicions had been aroused, it was all too easy for Moslems to believe the worst, to brush aside the Congress claim that the administration of the Congress Governments was in fact impartial, to detect a sinister design in their bold attempts to educate the masses, to assume that Congressmen at heart were much the same as members of the Mahasabha whose leaders' uncompromising policy and provocative language seemed deliberately calculated to make a communal agreement impossible. Moslems observed, moreover, that their reaction to Congress policy apparently had no effect on the attitude of the 'high command'. If anything, it seemed to harden it. The adoption of Partition as the official policy of the League in 1940 was shortly followed by Mr. Gandhi's declaration that the Congress would 'take delivery' as soon as it was strong enough.<sup>2</sup> After two more years of barren controversy the intransigence of the dominant section of the 'high command' was dramatically illustrated by the fate of Mr. Rajagopalachari.<sup>3</sup> Finally came Mr. Gandhi's 'open rebellion'. The League, indeed, was invited to share in the free government which the rebellion was intended to establish; but it was declared in the teeth of the League's opposition and with no guarantee that Moslem rights in a free India would be secured otherwise than by the unacceptable method of a Constituent Assembly. It was an attempt, said Mr. Jinnah, 'to coerce the British Government to surrender to a Congress Raj'.<sup>4</sup>

It is clear, then, that though the process of constitutional advance has been accompanied at each of its stages by an almost automatic growth of communal self-consciousness and antagonism, the present intensification of the Hindu-Moslem schism has not been in the same degree the automatic result of the attainment of a new stage in 1937. For, when the new constitution came into operation, the communal problem was not generally regarded as an insuperable obstacle to a self-governing federation of all India. It was not the new constitution in itself, but the mistaken way the Congress leaders worked it, that caused the sharp and swift revulsion.

<sup>1</sup> *Ibid.*, 197.

<sup>2</sup> *Ibid.*, 270, 289-90.

<sup>3</sup> *Ibid.*, 242.

<sup>4</sup> *Ibid.*, chap. xxii.

Can the mistake be remedied?

All the harm done to Hindu-Moslem relations since 1937 may take a long time to undo. All that has been said and believed about a Congress Raj cannot quickly be forgotten. Congressmen called it a bogey, but they gave it flesh and blood with their pure Congress Provincial Governments and their unconcealed ambition to create a Congress Centre. It seems, indeed, too much to hope that the communal situation can now be restored to what it was in the early months of 1937. The federal scheme of 1935 can no longer be made as acceptable as once it could have been to Moslem opinion. But that does not necessarily mean that the unity of India cannot be preserved. There is still some ground to be explored between a federation of the 1935 type on the one hand and Partition on the other; and there is no reason to affirm that such an exploration must needs be fruitless provided that the two great parties will undertake it with a genuine desire to come to terms.

It is one of the many evils of subjection to alien rule that it nourishes an unpractical and irresponsible frame of mind. Men are tempted to think and talk in a way they would not have thought or talked if they had had experience of the responsibilities of government. Theory is exalted, practice ignored. Discussion is dominated by the logician and the doctrinaire. And that, perhaps, explains the tendency in recent Indian politics to base a case or a claim on an abstract principle and to state that principle in its most complete and logical form, as when, to take two outstanding examples, the Congress insists that it fully represents *all* Indian nationalists or when the League insists that it *alone* represents the Indian Moslems. This tendency and the need to overcome it have been stressed by a thoughtful and broadminded Indian student of politics.

It is not easy to alter temperamental traits but modern psycho-analysis points out that the first step in overcoming their disadvantages is to be conscious of them. It is necessary to realise that logic, principle, declaration and definition, though they possess great value, must be adjusted to the claims of compromise and working settlement. Especially, the transition to positive government with its numerous enterprises on the basis of large-scale co-operation calls for a practical turn of mind, a habit of give and take, of willingness to sink non-essentials, a refusal to erect trifles into principles. There is nothing in all this which runs counter to the Indian scale of values. It is, however, a set of qualities to be brought consciously into play against the older manifestations which were suited to an environment of a negative and absolutist government.<sup>1</sup>

If this saving process is to be carried out, it must be the Congress that gives the lead: for, strong though the League has now become, the Congress is still far stronger in numbers and resources, and in a matter of compromise it is always the stronger party that must yield most. Already, indeed,

<sup>1</sup> Beni Prasad (Professor of Politics at Allahabad University), *The Hindu-Muslim Questions* (Allahabad, 1941), 32.

before the Congress leaders cut off negotiations by rebellion, they seemed to be making the first moves. It was something, though not enough, that they undertook that the free Indian Government they proposed to establish would not be a pure Congress Government but one in which other parties would be asked to share. It was something, though not enough, that they declared that the kind of federation they now contemplated was one which laid the stress on Provincial autonomy and not on the unitary principle.<sup>1</sup> Those were significant moves, for they seemed to imply that the Congress leaders had recognised the mistakes they made in 1937 and were trying to undo them. And, if they can go further, if they can be convinced that the promise of independence made to the Indian people by Sir Stafford Cripps at Delhi and re-affirmed by Mr. Churchill at Westminster is genuine, it should be still easier for them to reverse the policy of 1937. For that policy was not prompted merely by academic notions of democracy: it sprang from a confusion between two purposes—the purpose of governing a Province and the purpose of obtaining the freedom of all India. Because a unitarian technique seemed required for the second, it was also applied to the first. But now there is or should be no such confusion. The path to freedom no longer lies through a struggle with the British Government but through a settlement among Indians. The day has not yet quite come when, its mission of achieving India's independence fulfilled, the Congress, as Pandit Nehru once put it, 'might well cease to exist'.<sup>2</sup> Its task is not yet finished. It has still an historic part to play in setting India free. But the kind of action needed now is different and calls for a different technique. The methods of a revolutionary movement against foreign rule are manifestly unsuited for obtaining an agreement between Indians. The idea of one great national party and the policy of concentrating all its strength in a close-knit unitarian system may be good things on an Indo-British battlefield: in an all-Indian conference-room they are clearly out of place. And surely this plain truth must presently prevail. When the dust raised by the three-sided quarrel of the last few years settles at last and when the vision of India's future is no longer clouded and distorted by the varying fortunes of war, it is hard to believe that the Congress leaders will not realise that truth and follow to the end the path of compromise on which already, it seems, they have taken the first steps. And if they do that, it is also hard to believe that the League leaders will not do likewise. For if—and all hangs on that 'if'—they can obtain a settlement which seems by any reasonable test to secure the rights and interests and to preserve the self-respect of their great community, can they turn their backs on it through mere intransigence or merely for sentimental reasons, however deeply felt?

<sup>1</sup> Part II, 296.

<sup>2</sup> *Ibid.*, 102.

## CHAPTER III

### SELF-DETERMINATION

#### 1

THE offer contained in the Draft Declaration of 1942 was described by Sir Stafford Cripps at Delhi as an offer of 'complete and absolute self-determination and self-government for India'.<sup>1</sup>

It was an offer of self-determination in two senses of the phrase. Not only would the new constitutional settlement enable India to secede, if she wished, from the British Commonwealth and determine her own place in the international world. The constitution itself was to be framed by Indians and by Indians only. At each previous stage in the process of emancipation the British Parliament had retained control of its operation. Indian opinion was not by any means ignored. From 1909 onwards the Indian members of the Secretary of State's Council and of the Central and Provincial Executive Councils shared in official discussion of constitutional issues, and unofficial Indian leaders such as Mr. Gokhale were informally consulted. In preparation for the Act of 1919 the Secretary of State himself travelled through India, eliciting Indian opinion, and Indian witnesses were heard before the Joint Select Committee on the bill. The personnel of the Simon Commission was purely British, but throughout the long debate which led up to the Act of 1935 the fullest opportunity was given for the expression of Indian views—in the Indian Central and Provincial Committees, at the Round Table Conference and before the Joint Select Committee. But the decision on all points remained with Parliament. Neither at this nor at any previous stage of constitutional development was it possible for Parliament to divest itself of its responsibility for the nature of the advances made, since at each stage a measure of British control over Indian government was retained. As soon, however, as the last stage was reached, as soon as the step to be taken was the step to full self-government, involving the transfer to an Indian Parliament of all that remained of the British Parliament's responsibilities—save only such as might still be exercised for the time being under treaty—then it was not merely in accordance with Dominion precedent, it was plain common sense that the task of constitution-making should be surrendered from British to Indian hands. Parliament's abdication began when the 'August Offer' of 1940 declared that the framing of a new constitutional scheme ought to be 'primarily the responsibility of Indians themselves'.<sup>2</sup> In 1942 the abdication—or the offer of it—was complete. Nor was that position altered by the breakdown of the Cripps negotiations. The offer stands. On September 10, 1942, Mr. Churchill stated in the House of Commons that the 'broad

<sup>1</sup> Part II, 277.

<sup>2</sup> *Ibid.*, 334.

principles' of the Draft Declaration, in their 'full scope and integrity' represented 'the settled policy of the British Crown and Parliament'.<sup>1</sup>

Apart from the manifest sense and justice of it, there are certain practical advantages in Indians themselves alone determining their future form of government, now that no vestige of British rule is to remain. In the first place Indian judgment will be freer than British judgment. It will be able, in particular, to consider the retention of the British parliamentary system purely on its merits. The demand for the adoption of that system in the first instance came mainly, it is true, from India. It was British statesmen who most consistently and incisively questioned whether it could be successfully transplanted to alien soil. But it was difficult for the British Parliament, whether it was converted to the 'faith' of the Montagu-Chelmsford Report or not, to abandon the only constitutional ideas and principles with which it was familiar, and difficult, too, to reject the Indian demand without seeming to suggest that Indian political capacity was inferior to British.<sup>2</sup> To that extent Indians will be freer to modify or abandon the British system if it should seem to them wise to do so in the light of such experience as they have now had of it in operation; freer to consider, if they wish, the merits of non-British constitutions. More than that, they will be able to look at the problems of Indian government through Indian eyes and in the light, denied to foreigners, of 'Indian conceptions of the social, economic and political structure of Indian life'.<sup>3</sup>

Secondly, a home-made constitution will have a better chance of standing up to criticism than an article imported from abroad. Faults it is bound to have. All constitutions have them, being the work of human hands. But now they will be Indian faults, for Indians to defend or to remedy; and criticism, therefore, is likely to be more reasonable and more constructive. For many years past the system of Indian government has been condemned out of hand by Indian nationalists partly because it failed to meet their aspirations for full freedom, but partly also—and naturally—for the simple reason that it was British-made. They went further. They attributed the specific faults they found in it to deliberate 'imperialist' design. It will be different now. Suppose, for example, the Indian constitution-makers should decide that 'separate electorates', however undesirable in principle, must be retained for the time being, the reasons for that decision will be clearly Indian reasons which only Indian efforts can remove.

Thirdly—and most important—a home-made constitution will be able to acquire a sanctity in Indian eyes which only Indian authorship can give it. Freedom is everywhere dependent on the Rule of Law, and nowhere more so than in India. If freedom can only be obtained in India by agreement as to what the law shall be, it can only be preserved by obedience to that law. The constitution must not only appeal to Indians' minds as a reasonable settlement of rights and duties: it must also appeal to their

<sup>1</sup> *Hansard*, H. of C., cccxxxiii, 302.

<sup>2</sup> See Part I, 65.

<sup>3</sup> Part II, 334.

emotions. It should inspire the same sort of feelings in Indians as the American constitution inspires in Americans. It should be regarded as the sovereign of the Indian polity and attract to itself something of that personal loyalty to a monarch which used to be particularly associated with the traditions of the East. Such an enthronement of the law seems to be the more essential because of what has happened in India in the course of the last twenty years. The law has been vilified because it was foreign-made, and its rule repudiated because it meant the rule of foreigners. To disobey it directly, to obstruct its execution by passive resistance, to seek to evade it by fasting—all this has become a persistent, an orthodox feature of Indian nationalism. And its effects have been far-reaching. 'Civil disobedience', under its creator's leadership, has stirred the emotions of the Hindu masses, but against the law, not for it; and it has undermined—how deeply cannot yet be known—their old habitual submissiveness to the *Sirkar*, to the Government, in whose hands it lay. Nor has Mr. Gandhi's doctrine been only a doctrine of national revolt. The application of *ahimsa* is unlimited, and *ahimsa* in the last analysis cannot avoid, for good or ill, a suggestion of indifference towards any law but that of conscience and of restiveness under any human form of government. To the extent to which such ideas or tendencies have affected the Indian mind—and it would be easy, no doubt, to exaggerate it—it will be harder to restore, or rather to establish on a new and more acceptable basis, the unquestioned Rule of Law on which all free government depends. Therein lies a final reason why that law should be framed, as it is now to be framed, by Indians.

## 2

The first step in constitutional self-determination is to determine by what kind of body the constitution is to be made. And here at once the need for compromise arises, since there is already a sharp division of Indian opinion as to the character of the constitution-making body. In 1940 the Congress Session adopted as one of the main planks in the official party programme a scheme for a Constituent Assembly which had been formally expounded by the Working Committee in the previous year.<sup>1</sup> It was promptly and firmly rejected by the Moslem League. The Assembly, said Mr. Jinnah, would be nothing but 'a packed body, manoeuvred and managed by a Congress caucus'.<sup>2</sup> But the Congress leaders ignored this opposition to their scheme. They kept it in the forefront of their programme. It even figured in the Working Committee's resolution of July 14, 1942, which heralded Mr. Gandhi's 'open rebellion'. The provisional Government to be formed by 'responsible men and women' on the withdrawal of the British control was to 'evolve a scheme by which a Constituent Assembly can be convened in order to prepare a constitution for the government of India, acceptable to all sections of the people'.<sup>3</sup>

<sup>1</sup> Part II, 107.

<sup>2</sup> *Ibid.*, 220.

<sup>3</sup> *Ibid.*, 292.

The merits of the project were set forth in the Working Committee's resolution of 1939 as follows:

The Committee wish to declare again that the recognition of India's independence and of the right of her people to frame their constitution through a Constituent Assembly, is essential in order to remove the taint of imperialism from Britain's policy and to enable the Congress to consider further co-operation. They hold that a Constituent Assembly is the only democratic method of determining the constitution of a free country, and no one who believes in democracy and freedom can possibly take exception to it. The Working Committee believe too that the Constituent Assembly alone is the adequate instrument for solving the communal and other difficulties. This however does not mean that the Working Committee will relax their efforts for arriving at a solution of the communal problem. This Assembly can frame a constitution in which the rights of accepted minorities would be protected to their satisfaction, and, in the event of some matters relating to minority rights not being mutually agreed to, they can be referred to arbitration. The Constituent Assembly should be elected on the basis of adult suffrage, existing separate electorates being retained for such minorities as desire them. The number of members in the Assembly should reflect their numerical strength.<sup>1</sup>

This resolution exemplifies the tendency mentioned in the last chapter to state things in maximum terms. The Assembly is the *only* democratic method: it *alone* can solve the communal problem. It has been treated, indeed, by some Hindu publicists as if it were the sovereign remedy for all India's troubles and as if to obtain it were identical with obtaining national freedom. The idea of it is charged with patriotic emotion.<sup>2</sup> It is represented as a major move in 'the struggle for power'.<sup>3</sup> Britain's concession of it becomes at once the recognition of *Swaraj* and the means of establishing it. It is taken for granted that all Indian patriots want it.<sup>4</sup> But in fact it is only the Congress that wants it. The minority parties—the Scheduled Castes, for instance, as much as the Moslem League—do not.

The reasons for this disagreement are plain. The scheme is based on assumptions, both theoretical and practical, which the minorities repudiate. In theory it proclaims its strict adherence to the 'logic of democracy'; it stresses the purely numerical aspect of representative government by providing through adult franchise for the greatest possible number of electors; and it clearly assumes that, while minor points may be submitted to arbitration, the major issues, which, as will presently be explained, are not arbitrable, will be decided by a simple majority vote. But the very essence

<sup>1</sup> *Indian Annual Register*, 1939, ii, 238.

<sup>2</sup> Pandit Nehru has described his 'dynamic' conception of the Assembly in the following terms. 'It does not mean a body of people, or a gathering of able lawyers, who are intent on drawing up a Constitution. It means a nation on the move, throwing away the shell of its past political and possibly social structure, and fashioning for itself a new garment of its own making. It means the masses of the country in action through their elected representatives.' Quoted by N. Gangulee, *Constituent Assembly for India* (London, 1942), 244. See also Rammanohar Lohia, *Constituent Assembly*, Bulletin No. 2, United Provinces Congress Committee War Sub-committee, Lucknow.

<sup>3</sup> Gangulee, *op. cit.*, 225.

<sup>4</sup> This attitude is well illustrated by Mr. Gangulee's book, a volume of 300 pages in which the Moslem League is only casually mentioned once or twice.



of the Moslem revolt is its rejection of 'numerical democracy' and 'majority rule'. Nor would the elections be likely to result in practice in what the scheme in theory is calculated to obtain—the deliberate expression of the wishes of all the Indian people as to the form of government under which they are to live. The wider the franchise is extended, the less possible that achievement becomes. For the franchise can only be enlarged beyond its present limits by bringing in more uneducated peasantry and manual labourers. Adult franchise would embrace about 200 millions of them. How could they judge, except in the very vaguest terms, the issues, many of them highly technical, with which the Constituent Assembly would have to deal? The inevitable result, surely, would be a less intelligent result than that which was obtained at the Provincial elections of 1937. An immeasurably greater number of electors would be at the mercy of the party organisations and their simple slogans. Millions more votes would be cast for 'Gandhi and the yellow box' or for 'Islam in danger'. The actual policy to be pursued in the Assembly would be determined by the 'high commands' as it was determined in the Congress Provinces between 1937 and 1939 by the Congress Working Committee and its Parliamentary Subcommittee<sup>1</sup> and as it has to a less extent been determined in the non-Congress Provinces in more recent years by the executive of the Moslem League. Thus, if friends of the Congress are entitled to admire its whole-hearted adherence to the principles of democracy, it is not altogether unnatural for its enemies to argue with Mr. Jinnah that in practice it is a bogus democracy, cloaking the reality of a Congress Raj.

Surely, too, the notion that mass-elections of this kind are a means of overcoming communal dissension is untenable. It is true, no doubt, that the ignorant masses of India are more concerned from day to day with making a living than with the communal feud and that they are bound to react, as they did in 1937, to electoral promises of lower rents and higher wages. But the questions put to the electors for a Constituent Assembly would not be about rents and wages: they would be about the constitution; and the primary constitutional issue, dwarfing all else in its importance and its difficulty, is the communal issue. One of the concessions to minority sentiment in the Congress scheme, moreover, is the retention of 'separate electorates'. It seems probable, therefore, that the results of the Assembly elections would reflect the communal schism at least as much as the normal Provincial elections. In fact, when the new machinery for registering the electors and holding the gigantic poll had been set up at vast expenditure of time and money, the product would be much the same as that which the existing machinery could provide with no extra labour or cost. The only substantial difference would be that the number of votes cast would be far greater. Over 28 million people or nearly 55 per cent. of the electorate voted at the contested elections to the lower houses of the Provincial legislatures in 1937. On the same basis in British India alone—and the scheme

<sup>1</sup> See Part II, 120-5.

assumes a similar process of popular election in the States—the voters on adult franchise would number at least 100 millions. Would this make it easier to obtain a constitutional agreement? The only way to obtain it is by compromise, and that is not assisted by marshalling the masses behind the disputants.

It is hard to avoid the conclusion that the idea of a Constituent Assembly belongs to the period before the communal schism had become so deep and difficult to bridge as it is now, the period in which it was still hoped that the 'faith' of the Montagu-Chelmsford Report in parliamentary democracy and Indian nationhood might be justified. In the situation as it is, a Constituent Assembly, though it naturally appeals to the imagination as a massive and dramatic exhibition of democracy in action, seems to be not merely unsuited to the stage of democratic development which the mass of the Indian people have in fact so far attained, not merely a useless and costly duplication of the existing machinery for giving expression to the wishes of the people; it fails to meet the practical needs of the case. A new constitution for a free country must be submitted, of course, to the people or their representatives for approval. But the discussion and drafting of it are not a popular business: they are the business of experts and especially of men who have had experience of government. And the smaller their number, the more likely they are to reach agreement. This point was well made by the then Chief Justice of India, Sir Maurice Gwyer, in the eloquent Convocation Address which he delivered at Benares Hindu University in the winter of 1939 and which attracted considerable public attention in India at the time.<sup>1</sup>

In a body of delegates such as I have described [a small body], men come to know each other better, to appreciate the strong points of another's case and to realise the weaker points of their own. The impact of mind upon mind has its effect, and after some time (such is the experience of those who have taken part in transactions of the kind) a sort of corporate sense is born, out of which there may emerge, if not a common will, at least a common desire to produce results. I do not say that this always or necessarily happens, but it can and does happen, for it is impossible for a body of men to labour together with a common object for any considerable period of time without asperities becoming softened, misunderstandings lessened and mutual respect engendered.

The Chief Justice also pointed out that the verdict of history on Constituent Assemblies elected on a wide franchise has usually been adverse. The work of the 900 members of the National Convention elected to draft a constitution for Revolutionary France in 1795 was the prelude to Napoleon and twenty years of war; the work of the 900 members of the Constituent Assembly elected to draft a constitution for the French Republic in 1848

<sup>1</sup> Reprinted in the *Round Table*, No. 118, March 1940, pp. 480-9. Champions of the Constituent Assembly have pointed out that most of its work would be done in relatively small committees, but, apart from the desirability of the negotiators being able to consider and to balance all the main factors in their problem at the same time, the decisive debates would be held and the final decisions taken in the Assembly as a whole.

was the prelude to the Second Empire and Sedan. The German National Assembly of 1848, which was attended on the average by about 500 delegates, was inspired by a great impulse of national and liberal enthusiasm; but it failed to achieve its object, and Germany was united not by democracy but by 'blood and iron'. The Assembly at Weimar in 1919, which numbered about 420, gave birth to a constitution which did not survive its infancy. The Russian Constituent Assembly, elected in 1917 by the votes of 45 million people, met only once. The principal constitutions, on the other hand, which have so far stood the test of time, were all the product of small bodies of men, chosen not by great popular electorates but by their legislatures or Governments. The average attendance at the Philadelphia Convention which created the United States was a little over 30. The Charlottetown and Quebec Conferences which created the Dominion of Canada were attended by 22 and 33 delegates. The National Conventions which created the Commonwealth of Australia and the Union of South Africa were 50 and 30 strong. The existing constitution of the U.S.S.R. was framed by a body of 31.

None of these successful achievements was the outcome of great popular debates. In most of the Conferences and Conventions there was keen enough discussion, and the differences of opinion, which were ultimately compromised, were felt so strongly and at times so strongly expressed that the ultimate compromise would never, it is safe to say, have been achieved if the dispute had been fomented by public controversy and mass-emotion. But, just because they realised that popular pressure was bound to prove the worst impediment to the agreement they desired, all those assemblies decided at the very start of their proceedings to bar it out. Secrecy was strictly imposed at Philadelphia: sentries were posted 'without and within to prevent any person from approaching near'.<sup>1</sup> All the other Conventions excluded the Press from their meetings.

The need for smallness and secrecy seems the more apparent when the dominant issue confronting the Indian constitution-makers is once more remembered. In some respects their task will be more like the negotiation of an international convention than the framing of a form of government. To Mr. Jinnah, indeed, and other exponents of the 'two-nations' doctrine the constitution would be comparable to the Act of Union between England and Scotland: it would be virtually a treaty between the Hindu and Moslem Indians. And, in so far as that analogy applies, it is again the small, expert, private body that is plainly wanted. It is generally agreed nowadays that in a free world there should be no secret treaties, but nobody has suggested that treaties should be publicly negotiated. Nor, of course, is there anything undemocratic in that, provided that the treaties, when concluded, are submitted to public approval. And, of course again, the constitutions framed by the Conferences and Conventions enumerated above were all

<sup>1</sup> M. Farrand, *The Framing of the Constitution of the United States* (New Haven, 1913), 58.

discussed and in some cases amended by the popular legislatures concerned, and finally ratified by those legislatures or by a referendum.<sup>1</sup>

In 1940, at the time of the *blitzkrieg* in Europe, the Premier of the Punjab, the late Sir Sikander Hyat Khan, suggested that a small representative body, including the present and past Premiers of all the Provinces, should be convoked to discuss the outlines of the future constitution.<sup>2</sup> That was clearly intended as a preliminary or exploratory step, corresponding to the meeting of the Charlottetown Conference in 1864; and the only full-scale proposal yet made (so far as the author of this Report is aware), which could be regarded as a complete alternative to the Congress scheme, is that contained in the British Government's Draft Declaration of 1942. This contemplated a constitution-making body in which the British India representatives would be chosen, under a system of proportional representation, by the lower houses of all the Provincial legislatures sitting as a single electoral college, while the States representatives would be appointed in the same proportion to their total population as in the case of British India.<sup>3</sup> The British India section was to number one-tenth of the electoral college. This proposal seems open to two objections. (1) The British India representatives would number 158 and those of the States about 49, a total of 207; and this seems an unnecessarily large number even for so vast a country as India. If the foregoing arguments are sound, the constitution-making body should be the smallest possible body in which all the major interests can be represented. (2) The proposal for a single electoral college is a concession to the unitarian principle: it is akin to the provision in the Act of 1935 for the election of the upper house of the Central legislature by general British-India constituencies.<sup>4</sup> But it will be argued in a subsequent chapter that there is no prospect of an ultimate agreement unless the principle of Provincial autonomy takes precedence of the unitarian principle; and if the former were applied to the British plan it would require the members of the constitution-making body to be chosen by the Provincial legislatures separately and not sitting together, and to regard themselves primarily as delegates of their Provinces rather than as representatives of British India as a whole. That, of course, was the procedure for electing the members of all those successful Conventions described above. In America, Canada, Australia and South Africa they were all the delegates of their respective Provinces or States.

<sup>1</sup> The draft of the South African Union Act was approved by the legislatures of Cape Colony, Transvaal and the Orange Free State, and by referendum in Natal. The draft of the Australian constitution, after discussion in the States legislatures and subsequent amendment by the Convention, was approved by a referendum in each State.

<sup>2</sup> Part II, 241.

<sup>3</sup> *Ibid*, 337.

<sup>4</sup> Part I, 137.

## CHAPTER IV

### PROVINCIAL AUTONOMY

It will be convenient to consider first the constitutions of the Provinces and afterwards the problem of all-India government. To do that is not to prejudge the question of Partition. The champions of Partition do not envisage the sovereign States into which India in their view should be divided as unitary States: they would be unions of Provinces and Principalities. The Punjab, for example, would certainly resist the complete merging of its individuality in a greater Moslem whole, and it is so different in character and in political experience from Sind on the one side and from the North-West Frontier Province on the other that it would be plainly inappropriate to subject all three to a single unitary administration. The leaders of the Moslem League, indeed, have been so anxious to make their position on this issue clear that they have even used—or misused—the word ‘sovereign’ to describe the status of a Province in their projected Moslem federations. The ‘Pakistan Resolution’ of March 1940 declared that the constituent units of the Moslem States would be ‘autonomous and sovereign’.<sup>1</sup> ‘The Punjab’, said Mr. Jinnah a few days later, ‘would be an autonomous sovereign unit.’<sup>2</sup> The Indian States are in a similar position. The question of their adherence or non-adherence to an Indian Union or Unions will be discussed in Chapter XII, but it may be taken for granted *a priori* that they will not in any case combine with Provinces except on the basis of their own autonomy.

~~The same arguments would apply to Hindu India in the event of Partition. In a Hindustan as in a Pakistan, union would have to be founded on autonomous Provinces and States.~~

Nor would these units disappear in any such system of Regional grouping as is discussed in Chapter X. They would remain the basic units of administration, dealing with most of those matters which most closely affect the daily life of the people.

It is sometimes argued that the principle of Provincial autonomy is vitiated in practice by the artificial make-up of the Provinces. Their boundaries, it is pointed out, were drawn to suit the political or administrative convenience of the time. As British rule expanded over India, now one area was conquered and annexed, now another was ceded by its Indian ruler as the price of British help against his enemies, and so forth. The result was a haphazard conglomeration of territories, bearing no relation to the natural divisions of India, cutting indifferently across the frontiers of race and language. In any reconstruction of Indian government, the

<sup>1</sup> Part II, 206.

<sup>2</sup> Press statement, April 1, 1940: *India's Problem of her Future Constitution* (Bombay, 1940), 30.

argument goes on, the boundaries of the Provinces should be re-drawn, primarily on linguistic lines. Something was done to meet this need in 1936 when the Sindi and Oriya speaking peoples obtained their separate Provinces; but more wants doing. The most pressing case is apparently in Madras, where the Telugu language, which already has its own university, is entitled, it is said, to its own 'Andhra' Province.<sup>1</sup> The speakers of Kannada again, in several districts of Madras and Bombay and in Mysore should have a Province of their own. And there are other language-groups, like the Marathas, which might make similar claims.

This separatist movement is not unnatural. It is the direct result of the spread of education which has at the same time stimulated the growth of Indian nationalism and fostered a new consciousness of diversity. A keener interest in local literature, the development of historical research, archaeological discoveries—all this tends to strengthen 'particularist' sentiment. And the Congress itself, despite its unitarian philosophy and its denunciations of the evils of 'Provincialism', has acquiesced in this sentiment to some extent. It has organised its own electoral system on the basis of no less than twenty Provinces, to each of which a particular language is assigned.<sup>2</sup> The League has so far shown little interest in the question except in the Punjab and Bengal, and there, as will be seen in due course, it desires boundary-changes not for linguistic but purely for political reasons.

But, natural as this movement is, it would be easy to carry it too far. It is certainly convenient that all or most of the members of one political unit should speak the same tongue. The separation of Sind from Bombay and of Orissa from Bihar was justified for that reason. But it was not the only reason in those cases, and to assume that it is a sufficient reason by itself in all such cases is to make the mistake which is largely responsible for the present troubles of the world. It is to identify culture with politics, cultural freedom with self-government, the nation with the State. There is an obvious danger, moreover, in exalting the principle of cultural frontiers. Where will its application stop? 'The idea of linguistic redistribution', writes Professor Beni Prasad, 'awakens separatist tendencies in very small groups on the basis of dialects.' It can be followed up only at the risk of atomising the country. It weakens the will to reciprocal adjustments among groups who do not differ radically from one another and who can easily learn to live in amity.<sup>3</sup> Nor in any case is it likely that the Constitutional Convention—to give the constitution-making body an uncontroversial title for the purposes of this discussion—will wish to concern itself with the general question of frontier-rectification. First things first, and far and away the first thing will be the achievement of a basic Hindu-Moslem settlement. The danger of trying to do too much at one time is too obvious to be overlooked, and the Convention may well decide to make

<sup>1</sup> The name is taken from that of a dynasty which ruled the Telugu area from the third century B.C. to the third century A.D. <sup>2</sup> Part II, 815. <sup>3</sup> *Op. cit.*, 135.

only those changes in the existing structure of government which it must make now in order to attain its primary objective, and to postpone the treatment of other less urgent questions until the new *régime* has been safely established and has settled down. It seems probable, therefore, that, though the Convention may have to consider one or two specific changes as part of a Hindu-Moslem accord, it will not regard frontier-revision in general as immediately urgent; and, while it might possibly make provision for a Boundary Commission under the new constitution and for making such alterations as might be decided on as the result of its inquiries, it will not undertake so lengthy, so intricate and so controversial a task itself.

Nor is it true to say that the present Provincial structure is so artificial that the principle of Provincial autonomy cannot be effectively applied to it. That is one of those 'extremist' arguments which go beyond the facts. By no means all the frontiers conflict with physical or linguistic or racial divisions. Apart from communal differences, which are almost universal, Bengal is remarkably homogeneous in race, language, and the nature of the country. So are the United Provinces, the Punjab, Sind, and the North-West Frontier Province. And political units, however artificial at the outset, can acquire by lapse of time and force of custom something like a 'natural' character. The existence, generation after generation, of a powerful Provincial Government and its laws, of Provincial Courts, of a Provincial university, of Provincial social services, of a host of Provincial officials of high and low degree, is bound to have a unifying effect, to create a sense of the State, to make the people of a Province feel that it is their Province, to inspire Provincial patriotism. Despite linguistic differences and separatist movements, mere length of life still gives Madras and Bombay a substantial measure of solidarity. Except for a small cession to Orissa, the frontiers of Madras are practically what they were in 1799. Except for the acquisition and loss of Sind, the frontiers of Bombay have been scarcely changed since 1818. Even the Central Provinces, the most artificial of them all, have acquired in eighty years an individuality of their own.

In the course of the last few years, moreover, the sense of Provincial patriotism has been strengthened by the advent of full Provincial self-government. The peoples took a new pride in Governments that were now in a new sense theirs. And it is interesting to observe the Provincial reaction to interference by the leaders of the two great all-India parties in Provincial politics. In the non-Congress Provinces it was strong enough for a time even to cut across the lines of the communal schism. It was the Moslem Premier of the Punjab who repudiated the League's newly adopted policy of Pakistan if it meant a policy of Moslem domination in Moslem-majority areas, and said 'Hands off the Punjab'.<sup>1</sup> It was the Moslems in Sind who raised the cry of 'Sind for the Sindis'.<sup>2</sup> And it was slowly and with evident hesitation that the Moslem majorities in those two Provinces identified themselves with the League. In Bengal the

<sup>1</sup> Part II, 252.

<sup>2</sup> *Ibid.*, 67.

League was unable to gain control of the Government till 1943, while there is a section of the Congress which has persistently refused to accept the dictation of the Congress 'high command'. There was a similar, but not so marked, reaction among Congressmen in the Congress Provinces. The character of the North-West Frontier Province is so independent and individualistic that, while it was still a 'Congress Province', the Congress 'high command' could not attempt to maintain its strict unitary control therein,<sup>1</sup> and it was not too easy to maintain it in its other Provinces. There was a serious crisis in the Central Provinces.<sup>2</sup> There was friction for a time between the 'high command' and the Provincial Congress Committee in the United Provinces.<sup>3</sup> And most of the Congress Ministers were more or less reluctant to obey the final order to resign.<sup>4</sup> In Orissa and in the North-West Frontier Province the reaction ultimately led to a break-away from Congress authority and the formation of a non-Congress Government.<sup>5</sup>

Provincial patriotism, in fact, is a reality in a greater or less degree in all the Provinces; and, though the readjustment of their boundaries may well be a matter for future consideration, they are clearly fitted as they stand to govern themselves to the full extent to which the principle of Provincial autonomy may be applied. What that extent should be will be discussed in a later chapter: it is a question of the powers a Province should possess, not of the form of its constitution. But there is one point that needs to be mentioned here because it is a point on which those two questions are interlinked. Ought the Provinces all to have the same kind of constitution? If not, who should decide what kind each is to have? If Provincial autonomy has any substance, ought it not to include the power of constitutional self-determination?

There is no valid reason why the form of government should be the same in all the Provinces. The uniformity which found its final expression in the Act of 1935 was not the natural outcome of Indian conditions, but rather the mechanical result of unitary British rule. If the Provinces had not been brought under direct British administration but had been allowed like the States to retain their Indian forms of government, the present constitutions, say, of Madras and the Punjab and Assam would certainly differ as much as those of Hyderabad, Mysore and Bikaner,<sup>6</sup> and, even if they had evolved a democratic system, it would certainly not have taken the identical form of responsible government on the British model. How artificial the existing uniformity is has been plainly shown by the experience, short as it has been, of the working of the 1935 constitution. In the Punjab it has worked and is still working reasonably well. In Bengal it has worked less well. In Sind and Assam it has worked badly.<sup>7</sup> And in view of the marked difference in the character and political conditions of those four Provinces this difference

<sup>1</sup> Part II, 121-3.

<sup>2</sup> *Ibid.*, 123-4.

<sup>3</sup> *Ibid.*, 105.

<sup>4</sup> *Ibid.*, 218.

<sup>5</sup> *Ibid.*, 78-9, and p. 3 above.

<sup>6</sup> For the different forms of government in the States, see Part II, chap. xvi.

<sup>7</sup> See Part II, chapters iv to vii and ix.



in capacity to make the best of the same form of government seems almost a matter of course. Nor is it only a question of difference in economic or educational development. The communal problem is nowhere more acute than in the United Provinces and nowhere less acute than in Madras. Do they require exactly the same kind of constitution?

That is an issue which, like frontier-revision, may well be set aside for later and more deliberate treatment in the light of further experience; and in any case no one would suggest that the Convention should attempt to frame eleven different constitutions. As will appear in subsequent chapters, it will be concerned with the Centre rather than the Provinces; for it is at the Centre that the main crux of the constitutional problem lies. And, as suggested above, the principle of Provincial autonomy may well seem to require that the Provinces should be left to deal with their own constitutions, provided that any changes they might wish to make did not upset the Central settlement.

## CHAPTER V

### THE PROVINCIAL CONSTITUTIONS: I. THE LEGISLATURE

It has become customary to begin discussion of the Indian problem by pointing out that the existing constitutional system has been framed in close accordance with the model of British parliamentary government, that in the nature of things such an exotic plant was not likely to flourish in Indian soil, and that India needs an Indian constitution. Thus the British Government's statement of August 8, 1940, known as the 'August Offer', suggested that the new constitution might 'originate from Indian conceptions of the social, economic and political structure of Indian life'.<sup>1</sup> Pandit Nehru has preached the same doctrine in more revolutionary language. He has spoken of the Indian nation 'throwing away the shell of its past political and possibly social structure, and fashioning for itself a new garment of its own making'.<sup>2</sup> But a democratic Indian constitution such as Pandit Nehru contemplates cannot be entirely home-made; it cannot be exclusively and peculiarly Indian. Democracy must have at least one common feature, whether it operates in the East or in the West. Since it outgrew its cradle in the little Greek city-states, the only method devised for giving effect to its principle has been the method of representative government. Modern democracy, in fact, is inconceivable without a parliament, whatever name it bears. Nor is a parliament as a means of expressing public opinion out of line with Indian tradition. Just as in Britain it is the modern form of the medieval King's Council, so in India it might be regarded as the modern form of the *darbar*.<sup>3</sup>

Parliaments, then, need not be regarded as part of the foreign shell which Indian nationalists want to throw away; and, if it is true that the procedure of the Indian legislatures has hitherto been modelled on British parliamentary procedure, Indian politicians have shown a signal capacity for making good use of it. Both at the Centre and in the Provinces the debates have normally been orderly, and the process of legislation has as a rule worked as smoothly as at Westminster. If Indians have become accustomed to this procedure, there seems to be no point in abandoning it merely because it is of alien origin.

That, however, is a matter of detail, and the main question to be considered with regard to Indian legislatures is the question which, it may be repeated, must dominate the discussion of the constitutional problem as a whole—the possibility of a Hindu-Moslem settlement. And it must not be assumed, as it has been too easily assumed, that the Moslem attitude is so extreme and intransigent as to rule out any hope of compromise on this particular point. Mr. Jinnah, it is said, has not only

<sup>1</sup> Part II, 384.

<sup>2</sup> See p. 33, note 2 above.

<sup>3</sup> See Part I, 15.

condemned the existing Provincial constitutions root and branch: he has repudiated parliamentary government of any kind: he has even jettisoned democracy. But that is a caricature of Mr. Jinnah's attitude. He has denounced the way in which the existing parliamentary constitution was worked in the Congress Provinces: he has said that the Congress Governments must never come back: but he presumably approves of the way the same constitution has been worked for six years in the Punjab and is working now in Bengal, Sind, Assam, and the North-West Frontier Province. He has not rejected the parliamentary system as such, but only in so far as it resulted in the Congress Provinces in the rule of a one-party majority. He has not said that democracy is impossible in India: what is impossible, he holds, is crude 'majority rule' or government by simple arithmetic.

Assuming, then, that Hindus and Moslems are agreed in desiring to retain a parliamentary system of some kind, is there, it may be asked, any means of modifying that system as it exists at present so as to promote Hindu-Moslem agreement? It will be argued in Chapter VIII that that is primarily a question of the relations between the legislature and the executive. If that question were boldly and firmly handled, the constitution and procedure of the legislature would be quite a secondary issue. None the less, it may be worth while to consider one or two points as to the constitution of the legislature and the manner in which its members are elected.

The idea that a *Second Chamber* might be useful as a means of making the representation of minority interests more effective was first ventilated in the Montagu-Chelmsford Report;<sup>1</sup> but its authors did not recommend a bicameral system, and the Act of 1919 established unicameral legislatures in all the Provinces. The question was raised again by the Simon Commission whose members were divided on it, but those who favoured second chambers did so on general grounds and not with any special reference to the communal problem.<sup>2</sup> The Provincial Committees which co-operated with the Simon Commission took different views. Those of Madras, Bengal and the United Provinces declared for a second chamber: the rest were more or less evenly divided on the question. Though the utility of a second chamber as a means of mitigating communal antagonism was not specifically mentioned, it was noticed that its champions were usually the representatives of minority communities.<sup>3</sup> At the Round Table Conference the question was left depending on Provincial opinion.<sup>4</sup> The Joint Select Committee recommended second chambers in five Provinces—Madras, Bengal, Bombay, the United Provinces and Bihar—with provision for the reconsideration of the question in all Provinces at the end of ten years.<sup>5</sup> This recommendation, with the addition of Assam, was embodied in the Act of 1935. In those four of the six Provinces which became 'Congress Provinces' in 1937 the new Parliamentary constitution was working far too short a time to allow of any valid

<sup>1</sup> [Cmd. 9109], par. 258.

<sup>2</sup> *Simon Report*, ii, 98-9.

<sup>3</sup> *Ibid.*, 98.

<sup>4</sup> *Indian Round Table Conference* (Nov. 12, 1930 — Jan. 19, 1931), *Sub-committees' Reports*, etc., Cmd. 8772, 43.

<sup>5</sup> *Joint Committee on Indian Constitutional Reform*, vol. i, pt. i (1934), 65.

judgment on the merits of the second chambers. In Bengal the legislature has been in operation for over six years, and for the first three the student can consult the official record compiled by the President of the Legislative Council, the late Mr. Satyendra Chandra Mitra.<sup>1</sup> At the outset of his Report Mr. Mitra cited as the first of two reasons which in his opinion made a second chamber a necessity in Bengal, 'the existence of two major communities with sharply-defined interests and ideologies struggling for power and position'; but in his subsequent review of the Council's proceedings he gave no evidence to show that the Council exerted any particular influence on the communal issue. The amendments it carried to the Assembly's bills did not raise that issue. It should be observed, moreover, that before 1940 and after it the growth of communal antagonism was at least as marked in Bengal as in any unicameral Province. It was also growing throughout this period in Bombay. It reached its most dangerous height in the United Provinces and Bihar. Since all these Provinces have second chambers, it would seem that, whatever their value may be in other respects, they have so far contributed little, if anything, to the solution of the communal problem.

As to the manner in which the legislatures are elected, the system of *Reservation and Weightage* (i.e., of reserving a fixed proportion of seats for each community and of giving more seats to minorities than they would be entitled to on a numerical basis) seems to have justified itself; and, though no community is willing to admit that it is satisfied with the Communal Award, on which, as amended by the 'Poona Pact', the present electoral system is based,<sup>2</sup> it seems to be generally agreed, except for the Scheduled Caste leaders' continued opposition to the 'Poona Pact', that the system should continue for the present.

*Proportional Representation*, no doubt, is a more logical system, but it would not ease the communal problem at the present time to reduce the representation of the minorities to their true mathematical proportions. The system, moreover, as the Simon Commission pointed out,<sup>3</sup> even in its simplest form of the single transferable vote, is more difficult to work than that of the one-member constituency. It can be easily and effectively worked at the higher levels of the constitutional structure: the Act of 1935 provided, for example, for the election of the lower house of the Central legislature by the Provincial legislatures by proportional representation: but at the lowest level, for the purposes of popular election on a reasonably wide franchise to any Indian legislature, the system would demand a higher standard of education than the Indian masses have yet attained.

*Functional Representation* is a more practicable suggestion and it has the merit of directly attacking the communal problem. Proportional representation aims at representing the communities more truly. Functional representation means that they would not be represented at all. Instead of voting as Hindus and Moslems, the electors would vote in accordance with

<sup>1</sup> *Triennial Report on the Working of the Bengal Legislative Council, etc.* (Alipore, 1940).

<sup>2</sup> Part I, 128, 134.

<sup>3</sup> *Simon Report*, ii, 62.

their profession or occupation—as lawyers, doctors, tradesmen, farmers, industrial artisans, peasants and so forth. In so far as the common interests of the group would thus tend to take the place of communal loyalties, the idea, at first sight at least, has obvious attractions, and it is interesting to observe that it has been applied in the new constitution promulgated in 1989 in Hyderabad. The 42 elected members of the Legislative Council are classified as follows: 4 holders of *samasthans*<sup>1</sup> and *jagirdars*,<sup>1</sup> 2 *morashdars*,<sup>1</sup> 16 agriculturalists (half farmers, half peasant-tenants), and 2 representatives each of labour interests, industries, commerce, banking, the legal profession, the medical profession, graduates, District Boards, District Municipalities and Town Committees and the Hyderabad Municipal Corporation. The candidates are not only to represent those groups: they must themselves be members of them. In recommending this method of election to H.E.H. the Nizam the Executive Council argued (1) that it provides a truer representation of economic interests than a territorial system; (2) that ‘a shifting of emphasis to the economic *motif* is likely to import a greater degree of realism into legislation, even into politics as such’; (3) that ‘in a State comprising different ethnic, linguistic and religious divisions, economic interests alone are likely, sooner or later, to transcend those barriers’; and (4) that the representation of educationally backward groups such as the agriculturalists or labour by members of those groups rather than by professional politicians enables them at once to express their needs directly and to acquire a training in the art of legislation.

The Council admitted the strength of communal feeling in the State, and for that reason, no doubt, the new scheme of functional representation was only partly functional, since it provided that half the representatives in each group must be Moslems and half Hindus. It might almost seem, indeed, as if the establishment of this communal balance was the main object of the scheme.

The most obvious difficulty in any general adoption of functional representation is that of fixing the proportion of seats to be allotted to each ‘interest’, and it must be remembered that nine-tenths of the Indian people are engaged in roughly the same agricultural occupation. Functional representation in India, moreover, cannot wholly cut across communal divisions, because some occupations are communal. Most leather-workers, for example, are Moslems, and there are other kinds of work on which no caste-Hindu can be employed. There is another serious drawback to representation by occupation. Trades in Hindu India are mostly a matter of caste, and against a weakening of communal divisions by functional representation would have to be set a hardening of caste-divisions which are likewise a serious hindrance to the development of genuine democracy in India.<sup>2</sup>

<sup>1</sup> Classes of *quasi*-feudal landed proprietors or grantees.

<sup>2</sup> If second chambers were retained, they might provide a better field than the lower houses for an experiment in functional representation.

Another means of tempering communal antagonism in the electoral system might be found in *Indirect Election*. The strength and the danger of communalism lie in its appeal to mass-emotion. Indirect election weakens the force of that. If the inhabitants of a village or group of neighbouring villages or an industrial urban area chose the representatives who were to vote at the elections on their behalf, those representatives might be expected to be somewhat less susceptible to purely communal electioneering than the rank and file of their supporters. Such an arrangement would well accord with the policy, favoured by many Indians, of extending and strengthening the old *panchayat* system of village self-government as the foundation of the whole constitutional structure.

It would fall beyond the scope of this Report to examine these alternative electoral methods as fully as they deserve. Their interest and their practical importance lie for the most part in the future. At present they are mostly academic questions for the simple reason that the method of *Separate Electorates* holds the field. Indirect election might conceivably be combined with separate electorates, but it would be difficult to work effectively in areas in which the minority community is small. The other methods are virtually ruled out by separate electorates, as to which, after thirty years of bitter controversy, communal opinion remains implacably divided. The old arguments are unchanged. Moslem members of the legislatures, say one side, must be elected by Moslems only, since candidates who had to solicit Hindu votes could never be wholehearted or trustworthy representatives of their community. Separate electorates, say the other side, at once negate the principle of common citizenship on which democracy is based and perpetuate and aggravate the communal schism. The only change in the controversy is the result of that extremist tendency in Indian politics which has been mentioned in a previous chapter. It was natural enough, as communal tension grew, that the Moslems should cling to separate electorates more stubbornly than ever. The prospect of a Hindu Raj might well seem to make it all the more necessary for Moslems in the legislatures to be full-blooded Moslems. Might not weaker brethren have succumbed to the Congress attempt to absorb the League in 1937? But the cause of separate electorates has become so sacrosanct, their value has been so magnified, that they seem almost to have acquired in their champions' eyes the power to override arithmetic. Yet the hard fact remains that the Moslem-elected minorities are still minorities. Hindus, for their part, seeking as they sometimes do to evade the realities of the communal schism, have asserted on occasion that separate electorates have not merely widened the schism, but they and they alone have caused it. Abolish them, and Indian self-government would no longer be impeded by communal dissension. It would serve no practical purpose, however, to pursue that controversy further. At the present time an agreed abolition of separate electorates seems to be impossible. The only agreement reached between the major Hindu and Moslem bodies since separate electorates were intro-

duced in 1909, the Lucknow Pact of 1916, was based on their retention.<sup>1</sup> Their retention remains an apparently inexorable condition of any agreement now. And of that, no doubt, the Congress leaders are aware. It is significant, for example, that their scheme for a Constituent Assembly provides for the election of its members by separate electorates if the minorities so wish.

That need not mean, however, that separate electorates should be regarded as a permanent factor in Indian politics. The main hope for India's future rests on the possibility of a basic Hindu-Moslem settlement. Without it no constitution can be made. With it a new prospect would be opened up of such intercommunal co-operation in the common service of the Indian people as would serve, as nothing else would serve, to narrow the gulf. If that were, indeed, the happy issue, then *ipso facto* the case for separate electorates would be weakened. As time went on and politics became more and more identified with economics, the voters who now compose them might no longer wish to be grouped in purely communal constituencies; and, whether everywhere at once or first in one Province and then in another, the electoral system could be remodelled.

<sup>1</sup> Part I, 47-8; Part II, 14.

## CHAPTER VI

### THE PROVINCIAL CONSTITUTIONS. II. SAFEGUARDS

SINCE one of the primary purposes of the new constitution will be to give the minorities a sense of security, it may be assumed that the greatest possible use will be made of 'safeguards'. They may be considered under three heads, (1) General; (2) Political, (3) Cultural.

#### 1

*General Safeguards* are those broad principles of justice and fair dealing which can be defined in a Declaration of Rights. They were so defined in the Declaration adopted by the Congress Session in 1933.<sup>1</sup> 'The Congress declares', it ran, 'that any constitution which may be agreed to on its behalf should provide, or enable the Swaraj Government to provide' *inter alia* for the following:

- (i) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for purposes not opposed to law or morality.
- (ii) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.
- (iii) The culture, language and script of the minorities and of the different linguistic areas shall be protected.
- (iv) All citizens are equal before the law, irrespective of religion, caste, creed or sex.
- (v) No disability attaches to any citizen, by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.
- (vi) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public.
- (vii) The State shall observe neutrality in regard to all religions.

No such detailed enumeration of rights has been drawn up by any minority community; but the 'Fourteen Point' statement of Moslem claims, adopted by the All-India Moslem Conference in 1929,<sup>2</sup> included the following general clause:<sup>3</sup>

Whereas, having regard to the political conditions obtaining in India, it is essential that the Indian Constitution should embody adequate safeguards for protection and promotion of Muslim education, languages, religion, personal law, and Muslim charitable institutions, and for their due share in grants-in-aid.

<sup>1</sup> Text in Part II, Appendix V, p. 381.

<sup>2</sup> Part I, 96.

<sup>3</sup> Text in *Simon Report*, ii, 86.



There is material, moreover, outside India which deserves the study of those who will be concerned with drafting an Indian declaration of rights. One of the results of the last World War was the enlargement of certain old States and the creation of certain new ones and, since in all of these States the minority problem was more or less acute, they concluded treaties with the principal Allied and Associated Powers, or in a few cases made declarations to the same effect, guaranteeing minority rights. The first treaty and the model for the rest was the Polish Treaty of 1919.<sup>1</sup> The seventh and eighth articles were as follows:

*Article vii.* All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Polish Government of an official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

*Article viii.* Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as other Polish nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

The ninth article provided for the use of minority languages in primary schools and for the apportionment to minorities of an equitable share of public grants for educational, religious or charitable purposes.

In the twelfth and last article Poland agreed that the minority provisions of the Treaty constituted 'obligations of international concern' and should be 'placed under the guarantee of the League of Nations' and should 'not be modified without the assent of a majority of the Council of the League'.

The other 'Minority Treaties' followed the same lines. The fourteenth article of the Greek Treaty of 1920 (which was partly reproduced in the Yugoslav and *mutatis mutandis* in the Turkish Treaty) may be singled out as being concerned with Moslem rights.

Greece agrees to take all necessary measures in relation to Moslems to enable questions of family law and personal status to be regulated in accordance with Moslem usage.

Greece undertakes to afford protection to the mosques, cemeteries and

<sup>1</sup> Text in *British and Foreign State Papers*, 1919, vol. cxii, p. 236, and in C. A. Macartney, *National States and National Minorities* (London, 1934), 502 ff.

other Moslem religious establishments. Full recognition and all facilities shall be assured to pious foundations (*wakfs*) and Moslem religious and charitable establishments now existing, and Greece shall not refuse to the creation of new religious and charitable establishments any of the necessary facilities guaranteed to other private establishments of this nature.<sup>1</sup>

A last example may be found in the Anglo-Irish Treaty of 1921, of which Article XVI was as follows:<sup>2</sup>

Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects state aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

From such material it should not be difficult to draft a declaratory chapter of the Indian constitution, setting forth the general rights to which minorities are by common consent entitled.

## 2

*Political safeguards* may be defined as parts or processes or working rules of the constitutional machine. As regards the legislature three such safeguards have been dealt with in the preceding chapter—reservation of seats, 'weightage' and separate electorates. These are already in operation in the Provinces and are likely, as has been said, to be retained. The other existing minority safeguard—the Governor's 'special responsibility'—will presumably disappear: for under complete self-government the 'head of the State' cannot be the agent of an external authority and is unlikely to be entrusted with power to override the Government and legislature, except, conceivably, on a question of appealing to the people by a dissolution. Nor, in any case, would it satisfy communal sentiment to entrust one man with the power to decide communal issues since, whatever his personal integrity, he would in most cases be either a Hindu or a Moslem. There is more than one practicable method of replacing this external or personal check. For legislation it is possible to require that no bill involving communal issues may be introduced or carried and no resolution passed unless a fixed proportion of the representatives of each major community votes for it. A provision of this kind figured in the old pre-1921 constitution of the Congress, which contained a clause providing that no subject could be discussed or resolution carried in the Session if three-fourths of the Moslem or of the Hindu delegates objected, provided that the objectors constituted not less than one-fourth of the whole assembly.<sup>3</sup> This clause has disappeared from

<sup>1</sup> *British and Foreign State Papers*, 1920, vol. cxiii, p. 476.

<sup>2</sup> Text in A. B. Keith, *Speeches and Documents on the British Dominions, 1918-1931* (O.U.P.), 81.

<sup>3</sup> Part I, 46.

the Congress constitution, but the substance of it was reproduced as the second point in the Moslem resolution of 1929.

Whereas it is essential that no bill, resolution, motion or amendment regarding intercommunal matters be moved, discussed or passed by any legislature, Central or Provincial, if a three-fourths majority of the members of either the Hindu or the Muslim community affected thereby in that legislature oppose the introduction, discussion or passing of such bill, resolution, motion or amendment.<sup>1</sup>

The value of this safeguard is plain—and it seems evident that the constitutional problem as a whole cannot be solved without abandoning the principle of decision by a bare majority—but it might prove difficult to work: for it would not always be easy to determine whether a bill or resolution did in fact affect communal issues, and to apply the provision to all proceedings would be a formidable brake on the business of the legislature.

As regards administration, it is as common as it is natural for minorities to claim a fair proportion of posts in the civil services. Thus the twelfth Moslem point in 1929 was

Whereas it is essential in the interests of Indian administration that provision should be made in the constitution giving Muslims their adequate share along with other Indians in all services of the State and on all statutory self-governing bodies, having due regard to the requirements of efficiency.<sup>2</sup>

The last words are important. The principle of recruiting Moslems to the civil service to some extent by other means than open competition has long been in operation in India. It is justified on the ground that the general state of Moslem education is admittedly more backward than that of Hindu education. Nor did the Congress Ministries of 1937-9 set aside this procedure: they claimed, indeed, to have applied it generously.<sup>3</sup> Conceivably, therefore, some general provision for minority representation in the services might be embodied in the constitution. But to press the case to its logical extreme, to demand that the communities should be represented in strict proportion to their numbers, would certainly not be paying 'due regard to the requirements of efficiency'. To maintain the provision, indeed, in any form at all is undesirable in principle: efficiency should be the only test; but, as with separate electorates, the continuance of the system for the present must presumably be taken for granted in the hope that, like separate electorates, it will some day cease to be needed. The need will lessen as the standard of Moslem education rises; and that is one of the reasons why it has been said that the best service that can be done to the cause of communal peace in India is to bring Moslem education up to the Hindu level.<sup>4</sup>

<sup>1</sup> *Simon Report*, ii, 84-5.

<sup>2</sup> *Ibid.*, 85.

<sup>3</sup> Part II, 187.

<sup>4</sup> The question is also bound up with the paucity of careers available to members of the middle-class intelligentsia, and in that respect the further development of industry, business and applied science in India should make for a lessening of antagonism. (See Beni Prasad, *op. cit.*, 110-11.) But it is not by any means only a middle-class question. It affects all sections of society.

One further political safeguard seems well worth consideration. It has been suggested by more than one Indian publicist that a Communal Council might be set up in each Province to assist in dealing with communal questions. It might consist of three 'elder statesmen', no longer directly involved in politics, each of them, where possible, belonging to a different community and appointed, perhaps, by the members of that community in the legislature. Such a body might be entrusted with something akin to the existing Governor's 'special responsibility' for safeguarding minority rights. As regards legislation, instead of adopting the 'three-fourths' principle in the form outlined above, a bill or clause or resolution might be referred to the Council, if three-fourths of the minority members desired. Similarly, if an act of administrative injustice were alleged which was not covered by any specific provision of the constitution and could not therefore be dealt with by the Courts, it might be brought before the Council by petition. It would be a matter for discussion whether the decisions of the Council should be binding, like those of a present-day Governor in discharge of his 'special responsibilities', and thus have the effect of vetoing a bill or a clause or of making a resolution ineffective, or whether the Council should only make recommendations to the Government concerned. In the latter case the recommendations would presumably be published. The Council might also be given a positive function. The Minority Treaties in Europe provide that any member of the Council of the League of Nations is entitled to bring to the Council's attention 'any infraction or danger of infraction' of the minority safeguards in the treaties. Might not the Communal Council be entrusted with a similar 'watching brief'?

## 3

*Cultural Safeguards* may be defined as provisions which enable a community to control its own cultural life, particularly with regard to religion, language and education. They represent an attempt to separate culture from politics. The faith a man professes, it is argued, the speech he uses, his cultural traditions and pursuits, are not matters by which his citizenship should be determined in the modern world. They concern nationality, not the State. Indeed, if those two conceptions could be completely divorced in practice, there would be no minority problems left. But, short of that, should not the members of a nationality or community be permitted at any rate to regulate their own cultural life? Liberal thought would give only one answer to that question. Cultural autonomy, it would maintain, is clearly right in principle: but it raises the old issue of freedom and unity; it must not be stretched to the point at which it would seriously weaken the cohesion of the State.

The best-known example of cultural autonomy is the *millet* system as practised under the old Ottoman Turkish Empire. The *millets*—an Arabic word for which there is no exact Western equivalent—were minority com-

munities based on religion. They were headed by religious dignitaries, but the functions they performed for their members were by no means entirely ecclesiastical. 'They registered births, deaths, marriages and wills; maintained law-courts to decide cases of personal status as between their own members and even to deal with ordinary civil litigation in which both parties were members of the same *millet*; and raised taxes to pay their way; and these functions, which in the West would be regarded as attributes of sovereignty, and as such would be jealously monopolised by the State, were expressly delegated to the *millets* by the Ottoman Government, which, in the fields which it thus assigned to the *millets*, upheld their authority by the sanction of its own political and military force.'<sup>1</sup>

The most important *millet* was the Moslem community, to which, however, the actual name was not technically applied: it lived under Moslem canon law, and the Grand Mufti at Constantinople was its head. Then came the *Millet-i-Rum*, which included all the Sultan's subjects who were members of the Greek Orthodox church. This was partly broken up in 1870 by the creation of the Bulgarian Exarchate and a separate Bulgarian *millet*. There were also Armenian, Jewish, Catholic, Protestant and Gipsy *millets*.

In addition, there were some Christians who lived in the Ottoman Empire but were not subjects of the Sultan—especially merchants of Venice, France, the Netherlands and England. They were conceded extra-territorial rights which gave them communal autonomy on the *millet* principle under the presidency of their ambassadors. Like the Oriental Christians of the *millets*, these 'Western strangers within the Sultan's gates might manage their own affairs in their own way so long as they paid submissively the tolls, regular or irregular, which the Sultan and his slaves exacted from them'.<sup>2</sup>

The *millets*, like the foreign capitulations, were abolished by the Treaty of Lausanne in 1923. They had fulfilled a useful function in relieving the Ottoman Government of the embarrassing task of administering the local affairs of alien communities within the Empire. Some such arrangement, indeed, had been almost a necessity, since the law of the Koran, a civil as well as a religious law, could not be applied in its integrity to Christian communities. The price paid for it was the price that has to be paid in a greater or less degree for any devolution of State authority, of any concession to the principle of local or communal self-government—a loss of unity. The *millets* quarrelled among themselves: riots were frequent, especially in Jerusalem. By perpetuating a separate communal life they encouraged the growth of anti-Turkish nationalist movements. They even conspired with foreign Powers behind the Turkish Government's back. Nevertheless the *millet* system served its purpose as long as the Ottoman Empire lasted, and its weaknesses were only a minor factor in the situation which brought about the Empire's fall.

<sup>1</sup> A. J. Toynbee and K. P. Kirkwood, *Turkey* (London, 1926), 26-8.

<sup>2</sup> *Ibid.*, 28-30; Odysseus, *Turkey in Europe* (London, 1900), 296-7.

A good deal has been heard in recent years of cultural autonomy in Russia, but only in the most general terms. Few travellers visited the areas concerned before the war, and little was published about them. It seems impossible to say with any certainty or in any detail how in fact the Russian cultural policy has worked.

The constitutional position is clear enough. (1) The Union Republics which together constitute the Union of Soviet Socialist Republics possess equal sovereign rights outside the field allotted to the Union. (Art. 15 of the Constitution of 1936.) They can secede from the Union at will (Art. 17). The boundaries of their territory cannot be altered without their consent (Art. 18). But the Union's field covers all major political and economic matters, and it also includes 'the establishment of the basic principles in the spheres of education and public health' and 'the judicial system and judicial procedure' (Art. 14). (2) Article 123 guarantees 'the equality of the rights of the citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life'. (3) The Union Republics are divided into Autonomous Republics and Autonomous Regions. Each of these has its own constitution, 'which takes into account the specific features of the Autonomous Republic and is drawn up in full conformity with the constitution of the Union Republic' (Arts. 22-9).

The constitution thus clearly separates culture from politics in principle. The best, almost the only, information as to how it has worked in practice is to be found in the Sidney Webbs' masterly *Soviet Communism*.<sup>1</sup> They point out that a fairer treatment of cultural minorities had been a plank in the Communist platform before the Revolution, and that early in this century Lenin had observed 'the popular discontent caused by the Tsarist insistence on the "Russification" of all the national minorities within the Empire'.<sup>2</sup> After the Revolution (1918-22) the problem of the minorities was allotted to Stalin. As to the policy which ultimately emerged, the Webbs stress the importance of the fact that the local self-government of the Autonomous Republics and Regions is entrusted to natives thereof. Apart from that, they write, cultural autonomy is 'mainly a matter of permitting the use of the vernacular for all activities that are lawful in the Soviet Union'. This does not mean, they are careful to add, that a new right has been acquired 'to conduct any activities that may be alleged to have been part of the vernacular culture'.<sup>3</sup> They admit that the policy was often costly, that it often made for administrative inefficiency, and that it was criticised and opposed. The State Bank, for instance, was antagonistic, mainly because of the difficulties which arose from book-keeping in the vernaculars. Nor did the basic principle of the policy escape attack. It was argued that devolution of authority in cultural matters might encourage tendencies towards political separatism. 'But

<sup>1</sup> *Soviet Communism: a New Civilisation?*, 2nd ed., re-issue (London, 1941).

<sup>2</sup> *Ibid.*, 139.

<sup>3</sup> *Ibid.*, 139, 144n.

the Communist Party declared against such "Pan-Russian chauvinism" as being even more subversive than local nationalism.<sup>1</sup>

Separatism in any case could not easily gain strength. A Republic, it is true, possesses the right of secession from the Soviet Union, but it would not find it easy to exercise it. The cultural policy is purely cultural: the Republics have no autonomy in political affairs. Moreover, as the Webbs explained, education, for the present at any rate, is inevitably given a Russian complexion and is controlled by the Communist Party.

There is, indeed, necessarily an overriding unity amid all the prudent diversities of the service of education of the U.S.S.R. The majority of the teachers are, at present, necessarily of Russian extraction, and usually of Russian training. All of them have been educated in Russian literature. In all schools Russian is, if not the first, always the second language. Nine-tenths of all the existing books are in the Russian language. Among the lesser nationalities, only the Ukraine, which has been in some respects in advance of the R.S.F.S.R.,<sup>2</sup> can find a complete educational staff of its own. All the rest have still to depend, for all but common schooling, to a considerable extent on the products of Moscow, Leningrad and Kiev. . . . Finally, an increasing proportion, though still only fewer than a quarter of all the teachers, are members of, or candidates for, the Communist Party, or the Young Communist League. The whole tone of every school is avowedly and markedly Communist, and no rival doctrine is inculcated.<sup>3</sup>

Of other systems of cultural autonomy the Estonian system may be singled out, since, to quote an authoritative writer on the minority problem in Europe, 'according to the repeated statements of minorities and majorities alike it has proved a brilliant success'.<sup>4</sup>

The Estonian Constitution of 1920 contained the following two articles. (1) 'All Estonian citizens are equal before the law. Differences of birth, religion, sex, status or nationality cannot be the cause of any favour or discrimination in public life.' (2) 'Every Estonian citizen is free to determine his own nationality. If he cannot do this personally, the law shall do it.' Other articles guaranteed to the minorities education in their mother-tongue and allowed for the establishment of cultural autonomy.

The committee, which was appointed to draft a cultural autonomy law, proceeded, according to the official statement afterwards published, on the following principles. (1) All minorities were to be given the same footing and the same opportunities of cultural development. (2) A person's 'nationality' should be determined by his own declaration. (3) Cultural autonomy was to be considered in law as a branch of social self-government: it would, therefore, like local self-government, be under the control of the State. (4) It must rest not on a territorial but only on a personal basis. (5) A minority's cultural needs must be clearly differentiated from its

<sup>1</sup> *Ibid.*, 146. Despite this decision the special latinised alphabet invented for the use of Russian Asia was abandoned in 1940 in favour of the Russian (Cyrillic) script. V. Conolly, *Soviet Asia* (Oxford, 1942), 21; E. S. Bates, *Soviet Asia* (London, 1942), 92-3.

<sup>2</sup> The Russian Soviet Federative Socialist Republic, the largest of the constituent Republics of the U.S.S.R. <sup>3</sup> *Soviet Communism*, 896.

<sup>4</sup> C. A. Macartney, *National States and National Minorities* (London, 1934), 408.

political needs: this should be done on the one hand by an exact delimitation of the powers to be exercised by the autonomous community and on the other hand by the maintenance of State control over it.

On these principles an Estonian Cultural Autonomy Law was enacted in 1925.<sup>1</sup> Its main provisions were as follows. (1) It applied to the German, Russian and Swedish minorities and to any other minority numbering not less than 3,000 persons. (2) Individuals were to determine whether they belonged to a minority and could remove their names from its register at any time. (3) If at least 50 per cent. of the persons registered desired it, elections would be held for a Cultural Council, and, if at least 50 per cent. voted, it would be convoked. (4) If two-thirds of the members of the Council declared in favour of cultural autonomy, it would be conceded. (5) The organs of autonomy would be the Cultural Council (of not less than 20 and not more than 60 members) and a small Executive Committee. Local Councils might also be appointed. (6) The Councils' 'sphere of competence' would cover all educational affairs and other cultural matters such as libraries, theatres, museums and charitable institutions. (7) They would take over from the State all its rights and duties and financial obligations with regard to their schools. They would receive from the State and the local authorities the sums due from them for the upkeep of those schools and a proportion of other State subsidies. (8) For general cultural purposes they would be empowered to levy taxes on their own members, subject to the approval of the Ministers of Finance and Education, and would be entitled to a proportionate share of State grants for such purposes. (9) The State would have the right to dissolve a Cultural Council and order new elections.

One fundamental point may be stressed in this interesting and so far successful experiment. It severs culture from politics even more completely than the Russian system. Cultural autonomy in this form has thus nothing to do with political devolution or partition: it is not based on territorial enclaves: it is exercised by all those persons in the State, wherever they live, who desire to be registered as belonging to a cultural minority.

#### 4

Such are some of the methods of safeguarding minority rights—and others, no doubt, could be devised—which might be embodied in the Indian constitution. Since their sole purpose is to satisfy the reasonable claims of the minorities and to convince them that their interests are reasonably secure, three questions remain to be considered.

(1) How can agreement be obtained as to the precise form the 'safeguards' should take?

The best answer to this question has already been given by the Congress. The scheme for a Constituent Assembly as formally adopted in 1940 provided

<sup>1</sup> A *précis* of the Law and of the official explanatory statement is given in Appendix II, p. 186 below. See also Macartney, *op. cit.*, 407-8.



that 'in the event of some matters relating to minority rights not being mutually agreed to, they can be referred to arbitration'.<sup>1</sup> Another resolution at the same Session declared that the rights of all recognised minorities would be secured by agreement 'or by arbitration if agreement is not reached on any point'.<sup>2</sup> And at about the same time Mr. Gandhi spoke of submitting points of disagreement to 'the highest and most impartial tribunal that can be conceived by human ingenuity'.<sup>3</sup> This proposal refutes the charge that the Congress leaders intend to deal with minority claims by the simple process of majority voting; but it does not solve the whole or indeed the most difficult part of the problem of disagreement. For the major issues are not arbitrable. The highest and most impartial tribunal could not determine the precise validity of the 'two-nation' doctrine or its application in terms of constitutional arithmetic, nor could it be expected to arbitrate on such basic constitutional principles as the relations between the legislature and the executive. As regards 'safeguards', however, or some of them, arbitration is clearly feasible. The retention of separate electorates would not be arbitrable, but the Communal Award, on which the existing system of minority representation in the legislatures is based, was a sort of arbitral decision, and it could be submitted to an arbitral body for reconsideration if the minorities so desired.

(2) What assurance can be given that the 'safeguards' as now determined by agreement or arbitration will be maintained in the future and not altered or even abolished without the minorities' consent?

Constitutional amendments cannot be ruled out. The most perfect constitution would inevitably break down in time if it could not be adapted to changing circumstances, and most written constitutions provide means for their amendment. It has already been suggested, indeed, that the Provinces should be entitled to amend their own constitutions in future and that such features of the new constitution as separate electorates and communal recruitment of the civil services might be regarded as transitional and, if all went well, might some day cease to be needed. But, if amendment must always be possible, it can be made difficult, and in the special conditions of India it surely ought to be made difficult. It would be possible to adapt the American precedent and ordain that no change at all should be made in the constitution for a period of years and that thereafter any change should require the assent of, say, a three-fourths majority of the minority representatives in the legislature. Alternatively the articles of the constitution dealing with minority rights might be singled out and 'entrenched', *i.e.*, they would be made subject to amendment by a special process not applicable to the rest of the constitution.<sup>4</sup> Such a process might be associated with the three-fourths rule. It should not be difficult, in fact,

<sup>1</sup> See p. 38 above.

<sup>2</sup> Part II, 238

<sup>3</sup> *Ibid.*, note 1.

<sup>4</sup> *E.g.*, the South African Constitution (section 152) provides that no repeal or alteration of certain sections of the Act shall be valid 'unless the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses'.

by this or that provision of the law to ensure that the protection it gives to minorities can only be modified with their consent.

(3) Granted that the 'safeguards' can be maintained in law, how can it be guaranteed that they will operate in fact?

Of all the questions that can be asked about the 'safeguards', this is obviously the most important, and the answer is simple. There are only two methods of ensuring that the laws of any country are observed, one external, one domestic. The external method is to entrust the responsibility for enforcing them to some powerful external authority. That is what has happened in India under the British Raj. The duty of seeing to it that the law is kept has been vested in the last resort in Parliament. Another example is furnished by the Minority Treaties which declare that the provisions they contain for the protection of minorities are 'obligations of international concern' and are guaranteed by the League of Nations. But, apart from the practical difficulties, already experienced in Europe, of external supervision and intervention, it may be taken for granted that the bulk of Indian public opinion, if only because it has so long been restive under foreign control, would not readily acquiesce in its continuance in any form, nor would minority sentiment want to purchase security at a price which would so ill accord with the new consciousness of independent nationhood. For these and other reasons it will be argued in Chapter XIII that the proposal in the Draft Declaration of 1942 for an Anglo-Indian treaty providing for 'the protection of racial and religious minorities' is an unsatisfactory proposal and should be reconsidered. There is one condition and one only on which Indian nationalism could be expected to accept an external guarantee for the keeping of Indian laws: that is, if it were international, and wholly, not partly, international. For India under a 'minority treaty' would be entitled to share in the resentment expressed by the Treaty States in Europe at the fact that the minority obligations are imposed on them alone and not on other States in which the minority problem likewise exists, and to echo their claim that all such States should submit to the same *régime*. If the United Kingdom, for example, were willing to undertake specific obligations as to the treatment of the Catholic minority in Northern Ireland, or the United States as regards the Negroes, or South Africa as regards its Bantu inhabitants (numerically a majority, but a minority in status), and to recognise the right of an international authority, in which India *ex hypothesi* would be represented, to supervise and in the last resort to enforce the fulfilment of those obligations, then India might conceivably be willing to share in such a system on equal terms with all the other nations concerned. But that condition can scarcely be regarded as practical politics, and the guarantee for the operation of the minority safeguards in the constitution must therefore be found in the second or domestic alternative, *i.e.*, the Sovereignty of the Law. It may be assumed that, in a free country such as India means to be, every precaution will be taken that a minority plaintiff has access to the Courts and that the

meaning of the law is interpreted by indisputable authority. There would be a right of appeal, no doubt, from the Provincial Courts to the Supreme Court of the Union, and, though this is also a matter on which nationalist opinion is sensitive, a further appeal might be allowed to the International Court, since it would be a question of interpretation only and not of action. When the law is known, it must take its course. The need for a paramount and universal respect for the law in India has been stressed on previous pages. Without that respect, the future of India would be dark indeed, and not only as regards intercommunal relations. Given that respect, the minorities can be confident that the 'safeguards' provided for them in the constitution are not made of paper and will operate as the law intends they should.

## CHAPTER VII

### THE PROVINCIAL CONSTITUTIONS: III. THE EXECUTIVE

#### 1

THE embodiment of multiple 'safeguards' in the Provincial constitutions, their definition at need by arbitration, the public recognition that they are part of the Sovereign Law, that they cannot be changed without the consent of the minorities concerned, and that they can be enforced by appeal to the Courts—all that should go far to make the minorities in the Provinces feel secure. But it is not enough. It satisfies only half the needs of the situation, or less than half. For the protection of minority rights is not the dominant issue. It was not their violation, as has been seen, that intensified the Hindu-Moslem feud. It was the belief implanted in Moslem minds by the events of 1937 that they were to be subjected to a Hindu Raj, and the sharper consciousness of minority status and the complex of pride and fear which that provoked. 'Safeguards' do not weaken minority-consciousness, they strengthen it; and, though they may help to exorcise suspicion and anxiety, they do not disguise or conceal, they rather underline and emphasise, the hard fact of majority rule. What the minorities plainly need is not so much protection against the abuse of power as participation in its exercise. That in itself is a better protection than any 'safeguards'; and that alone can temper the minorities' self-consciousness and satisfy their self-respect. 'Minorities should feel', said Mr. Muhammad Ali, whose frank discourses in the days before the Act of 1935 so often went to the heart of the Hindu-Moslem problem, 'that the Government is their Government and that they have a part in the administration of the country.'<sup>1</sup>

The British parliamentary system meets that need by the alternation of party Ministries and its corollary, the habit of government by discussion and compromise. The minority in the House of Commons is made aware in two ways that it has 'a part in the administration of the country'. In the first place it is constantly making an effective contribution to the debates and the divisions—a fact that is strikingly illustrated by the Opposition being officially entitled 'His Majesty's Opposition' and its leader receiving a salary as an officer of State.<sup>2</sup> Secondly, the leaders of this Opposition constitute a 'Shadow Cabinet' which is normally expected sooner or later to take the place of the Ministers they oppose. (That is the chief reason why it is so easy to form National Coalitions in an emergency.) This method of combining the principle of 'majority rule' with the principle of 'minority rights' under a democratic system of government is only made possible, of course, by the fact that British society is sufficiently homogeneous, that the community is a real enough community, that political standards and values

<sup>1</sup> Part II, 109.

<sup>2</sup> Under the Ministers of the Crown Act, 1937.

and purposes are near enough alike, to enable the weight of public opinion to shift from one side to the other and to make it a matter, not indeed of indifference but not of superlative importance, by which of the parties the King's Government is for the time being carried on. Those conditions are far from being realised in India. Indian society is by no means homogeneous; and, as long as the Hindu-Moslem schism in particular cuts so deep, as long as political allegiance is primarily a question of religion, as long as political opinion is divided not on social and economic but mainly on communal issues, so long it will be impossible to reproduce in India the alternation between majorities and minorities on which the operation of the British parliamentary system depends. Till the consciousness of common interests triumphs at last over the consciousness of communal division, the balance of power can never change. Natural increase of population cannot change it: the proportion of Moslems in the Hindu-majority Provinces, as in India as a whole, is too small. Nor is religious conversion on a large enough scale conceivable. The Moslems, therefore, in these Provinces, as in India as a whole, must be *always* a minority.

It was precisely for reasons of this kind that British statesmen hesitated so long to acquiesce in the adoption of the British parliamentary system in India. How opinion swung to and fro has been described in Part I of this Report;<sup>1</sup> and, when finally it was decided in 1935 that the experiment begun in 1919 should be continued, it was still recognised that the parliamentary system could not work in India as it worked in Britain. In particular it was taken for granted that the Provincial Governments would not be single-party Governments but coalitions. It does not seem, however, to have been realised that separate electorates logically necessitated coalitions; and, owing to the old-established British belief in the need for elasticity in the working of any constitution and in the merits of custom and usage as against written law, the Act did not require that the chief minorities should be represented in the Governments: it was left to the Governors under their Instructions to bring this about as far as they could.

The outcome, which has been fully described in Part II of this Report, can be briefly restated. Coalitions of a sort were established in all the non-Congress Provinces. They were imperfect coalitions because the minority communities were not all represented by their chosen leaders. Thus the Hindu Ministers in the Punjab Government, though abler men than any Moslem Minister in a Congress Province, have not been backed by the majority of the Hindus, nor, till the new appointment made in 1942, was the Sikh Minister backed by the majority of the Sikhs. In Bengal, similarly, the Hindus have not been adequately represented in the Government, mainly because, except between December 1941 and March 1943, no Congressmen have been in it. The situation in Sind and Assam has been more obscure owing to the instability of the party balance in the legislature and

<sup>1</sup> See especially Mr. A. J. Balfour's observations (p. 26) and the comments of the *Simon Report* (pp. 105-6).

the frequent changes of Government. But in the three of those non-Congress Provinces in which the Moslems are in a clear majority, though the Government has constantly been denounced as prejudiced in favour of the Moslems, the *régime* has not been regarded, till the last few months at any rate, as a Moslem Raj to the extent to which the *régime* in the Congress Provinces was regarded as a Hindu Raj.

In the Congress Provinces there was no question of coalitions. The Congress 'high command' attempted to deal with the Moslem League, not by coalition, but by absorption. Had they succeeded, the leading Moslem politicians in those Provinces would have figured in the Governments. As it was, the Moslem Ministers were not the leaders of their community: they proved hard to find and were mostly ill-qualified for their high office. Ministers were also appointed from members of the Scheduled Castes in Madras, Bihar, and Assam,<sup>1</sup> but, like their Moslem colleagues, they were Congressmen, and where, as in Bombay, the Scheduled Castes had an effective organisation of their own, its leaders were excluded from office like the leaders of the League.

As explained in Chapter II, it was this exclusive policy, this Congress claim to be sufficiently representative of all the communities, that, more than anything else, intensified communal antagonism and brought about the present *impasse*. The lesson is plain, and it has been read by many Indians. For some time past it has been widely recognised in India that, if responsible Governments were restored to the Provinces which have lost them since 1939, they would have to be coalitions, in most of which the Moslem League would share. Such a concordat would also operate presumably in the non-Congress Provinces and facilitate the establishment of more complete and effectual coalitions therein. The constitution-makers, therefore, in so far as they retain the parliamentary system in the Provinces, may decide to do what the authors of the Act of 1935 failed to do and make it part of the law that the Provincial Governments should be coalitions or in other words that they should be composed of the leaders of the major parties in the legislatures roughly in proportion to the size of those parties.

It may be objected that statutory coalitions of this kind imply the permanent domination of the two greatest parties to the exclusion of the smaller ones. There is more than one reply to that objection. First it must be frankly confessed that in any system of representative government there is a practical limit to the rights a minority can enjoy and that, if a minority in a Province is not large enough to obtain a representative in a Government which must not be too large itself, it must depend for its security on the strict enforcement of the 'safeguards'. Secondly, for *all* the inhabitants of a Province, to whatever community or party they

<sup>1</sup> There was one in Madras, one in Bihar, and two in Assam under the Congress premiership of Mr. Bardoloi. There has been one in Sir Muhammad Saadulla's second and third Ministries. In Bengal there were two till 1941, one from 1941-3, and there are now three.

belong, scarcely any price could be too high to pay for a genuine and lasting Hindu-Moslem agreement. Thirdly, coalitions under the new *régime* between the major parties, which, it may be assumed, would still in the first instance be the dominantly Hindu Congress and the wholly Moslem League,<sup>1</sup> would make possible, as nothing else perhaps could, the fulfilment of the supreme need of Indian politics. Communal co-operation would not be confined to the Government. It would be reflected in the Legislature. And the minor parties, who would constitute the Opposition, could not combine among themselves or against the Government on communal issues. Social and economic issues would thus at last attain their proper predominance. The Opposition would tend to become more Left or Right than the Government. And these natural divisions would also tend to make themselves felt within the great coalition parties. Dissident groups would split away to Right or Left until in the end the great parties had lost not only most of their communalism but also much of their strength, and the way would be open for a new and better-balanced alignment of political forces.

## 2

If the Constitutional Convention decides on statutory coalition Governments, it will be confronted with a further question. Should the Governments be responsible to their legislatures on the British model?

This is not a new question. It was argued in the course of the long debate which led up to the Act of 1935, some maintaining that the 'responsible government' promised in the Announcement of 1917 must mean the traditional British kind, others that Governments can be responsible in other ways than the British. But the spokesmen of the latter school did not press their case, nor did they submit specific proposals for any other method than the British;<sup>2</sup> and it was finally taken for granted that the British method, already partly established under the Act of 1919, would continue to operate under the Act of 1935. This assumption was not fulfilled in the Congress Provinces. The Congress Governments were regarded as responsible not only to their legislatures but also to the Congress 'high command', on whose orders they resigned in 1939.<sup>3</sup> But in the non-Congress Provinces responsible government has operated as the authors of the Act of 1935 assumed that it would, and in four of them it has so operated for six years. In Bengal, Assam and Sind the Governments have normally depended from day to day on the support of the majorities in their legislatures. When they have lost or seemed certain to lose that support, they have resigned. It is only because the Punjab Government has never lost its hold on the majority of the Assembly that it has remained

<sup>1</sup> The Scheduled Castes in some Provinces and the Sikhs in the Punjab would also be represented.

<sup>2</sup> Brief allusions were made from time to time to non-British models: e.g., Part I, 116-17.

<sup>3</sup> Part II, 96.

in office since 1937 without a break.<sup>1</sup> What light does this substantial body of experience throw on the question of responsibility?

In all the non-Congress Provinces except the Punjab the most unsatisfactory feature of the new *régime* has been the instability of their Governments. The Ministry has resigned and been replaced by another Ministry four times in six years in Sind and three times in Assam. If Mr. Fazl-ul-Huq retained for nearly six years the Premiership of Bengal, it was only by means of several changes in the composition of his Cabinet, the last of them so drastic as virtually to constitute a change of Government. None of these Provinces has developed a steady party system, enabling Ministries to be reasonably assured of a solid majority between one General Election and another. In Assam, Sind and Bengal—in that order of priority—the course of politics has been something like a continuation of the previous contest at the polls; and the politicians, instead of accepting the verdict of the elections for the time being and doing what they could under those conditions to see that the Province was well governed, have kept alive the question as to who should govern it. Intrigues, cabals, attempts to seduce this or that group or individual from their allegiance have created an atmosphere of personal and party jealousy and rancour and from time to time of tension and crisis which has diverted public attention from the primary issues of legislation and administration. Nor has it been easy for Ministers to concentrate on their difficult day's work in the knowledge that a conspiracy, hatched up overnight, might turn them out of office on the morrow. Nor, again, in these circumstances have the discussions in the legislature been as helpful as they might otherwise have been. If the Opposition is making continual attempts to upset the balance of power, if the battle, so to speak, is always joined, criticism of the Government tends to be unconstructive, immoderate, personal, and, above all, communal. In Bengal and Sind and even in the steadier Punjab the day-to-day attacks on Ministers in the legislatures and in the Press have provided some of the best fuel for 'stoking the fires of communal strife. To make Indian Governments more stable, therefore, would be one of the ways of overcoming the major difficulty of Indian politics.

Coalition Governments would be, for a period at any rate, more stable Governments because the Opposition parties would not be strong enough to attempt their overthrow. But, as has been suggested above, the balance of power would probably alter as time went on and new alignments were established on social and communal issues. Before very long Governments might again be compelled to give most of their time and energy to the task of maintaining their position in their legislatures from day to day. The question thus arises whether a Government's tenure of office ought to depend in India, as it does in Britain, on the day-to-day support of the legislature. The supremacy of the House of Commons in British politics is unquestioned.

<sup>1</sup> On the death of the Premier, Sir Sikander Hyat Khan, at the end of 1942, his colleagues remained in office and retained the support of the Assembly: see p. 2 above.



That it should surrender its power to exert its will at any time it chooses is inconceivable. It is in its debates and decisions that in the last resort British public opinion puts its trust. Nevertheless British Governments are normally stable Governments, immeasurably more so, for example, than those of pre-war France. And this has not only been due to the operation of a strong and (till recently) a well-balanced party system. The present relationship between legislature and executive is the outcome of experience of responsible government over a lengthy period during which its peculiar British form has been gradually worked out. It is quite otherwise in India. Since it failed to obtain an effective preliminary trial under the dyarchy established in 1919,<sup>1</sup> responsible government of this fully developed British type has been introduced in India suddenly and at one stroke. Can it, then, be expected to work in India as well as it works in Britain? And there is a further question. It has been observed in Chapter III that the authority of the law has been to some extent undermined in India by the nationalist movement, and it was suggested that on the full restoration of that authority the future peace of India will largely depend. But for the vast majority of Indians the Government personifies the Law, and respect for the one implies respect for the other. It seems equally necessary, therefore, for the Government, as such, to recover its old prestige, and this will not be easy if it continues to be exposed to the intemperate and irresponsible attacks in the legislature and in the Press which are prompted by the heat of daily battle. It was natural for Indian patriots to try by all means to bring the Government 'into contempt' as long as it was under British control; but the technique of vilification and aspersion seems out of date when the Government is a popular Indian Government. Hitherto it was only the legislature that belonged, so to speak, to the Indian people: now the executive is also theirs; and, that being so, ought not the balance of their status in the public mind to be re-adjusted? Is there not a danger that the legislature might be regarded as the main instrument of Indian patriotism and public service? Ought not the executive, no less the choice and servant of the people nowadays, to be accorded at least an equal measure of public respect? Ought it not, indeed, at this stage, to be given a priority? It is worth remembering that the collapse of parliamentary government in Italy and its decline in France before the war were largely due to the fact that the legislatures were too strong and the executives too weak.

It is not, of course, suggested that the executive should be freed from the legislature's control. That is impossible under any valid form of representative government since the executive can only obtain the legislation it needs, and particularly the financial measures without which it cannot carry on, from the representatives of the people. But Indian Governments would certainly be more stable, they would acquire a greater prestige and authority, opposition to them would be more rational and constructive, and

<sup>1</sup> See Part I, 69-72.

*inter alia* communal incendiarism would be deprived of some of its best fuel, if Ministers were assured of retaining office for a reasonable time and no longer liable to lose it any day as the result of a hostile vote in the legislature.

That, it need hardly be said, is not an undemocratic suggestion. It accords with the practice of the greatest democracy and of the purest democracy in the world. The independence of the executive from continuous control by the legislature is a primary feature of both the American and the Swiss constitutions.

In the American constitution the executive is completely separated from the legislature. The President is not a member of the Congress, nor chosen from its ranks. He is elected by the peoples of the States, indirectly *de jure*, directly *de facto*, and he holds office for four years whether his party has a majority in the Congress or not. He chooses the members of his Government himself, and neither he nor they are answerable to the Congress for their conduct except by the method of impeachment which has only once been used against a President and never against other members of the Government.

But no analogy can be drawn between the Government of an Indian Province and the Government of the relatively homogeneous United States; and it seems more than doubtful whether the former needs so drastic a severance of the executive from the legislature. On one point, however—and it is the cardinal point—Switzerland, though immeasurably smaller, can be usefully compared with India. For Switzerland owes its existence to the need, forced on it by geography and history together, of maintaining three different nationalities in one political combination—nationalities which are mainly differentiated by language and religion. At the time of the census of 1930, 71·9 per cent. of the Swiss people spoke German, 20·4 per cent. French, and 6 per cent. Italian. Over 90 per cent. of the people spoke German in fourteen of the twenty-two Cantons, and Italian in one. French was similarly, though not equally, dominant in three Cantons. But this linguistic division has never given rise to serious controversy. Since 1848 the principle has been firmly established that all three languages are the 'official' or 'national' languages of Switzerland.<sup>1</sup> More difficult and dangerous has been the question of religion. In 1930 the Protestants in Switzerland as a whole numbered 2,226,942, and the Catholics 1,433,261. The percentages of Protestants and Catholics in some of the larger Cantons are shown in the following table.

	<i>Protestants</i>	<i>Catholics</i>
Berne . . .	87·2	12·0
Vaud . . .	86·8	11·9
Zürich . . .	78·7	18·9
Aargau . . .	58·5	40·7
St. Gallen . . .	41·5	57·4
Solothurn . . .	39·8	59·8
Fribourg . . .	13·5	86·2
Luzern . . .	12·2	86·8

<sup>1</sup> W. E. Rappard, *The Government of Switzerland* (New York, 1936), 7-10.

Though Protestants and Catholics are much more evenly balanced in the country as a whole than Hindus and Moslems, in India, there is a close analogy between the situation in the Swiss Cantons and that in the Indian Provinces. And the analogy holds good not only in the fact of religious schism but also in the results of it. It was the religious schism which from the beginning of the sixteenth century to the middle of the nineteenth prevented the Swiss from achieving the unity by means of which alone they could preserve their freedom and protect it from their mighty neighbours. From the days of the Wars of Religion onwards, the Protestant and Catholic Cantons required all their citizens to subscribe to the one State faith, and stubbornly refused to combine for their common defence in anything but the loosest kind of military league. So persistent was domestic strife within and foreign intrigue without that, as a distinguished Swiss author puts it, 'one cannot but be surprised at the survival of the Swiss nation as such'.<sup>1</sup> Even as late as a century ago, when new ideas of religious toleration were abroad, Swiss nationhood was still in mortal danger. Fearing that their religion would not be safe if they combined with the twelve Protestant Cantons, the seven Catholic Cantons decided, rather than merge their sovereignty in a federation, to split the country in two and formed the *Sonderbund* or Separate League. The upshot was the civil war of 1847, in which the Separatists were quickly defeated, and in the following year the Swiss Confederation was established.<sup>2</sup>

The framing of the constitution recalled the famous American precedent of 1787. Now as then, issue was joined between those who wanted the constitution to be as unitary as possible and those who stressed the federal principle and fought for the rights of the federating units. Now as then, agreement was achieved by compromise—a compromise which followed the American precedent in providing that the upper house of the Federal legislature should represent the Cantons on a footing of equality and went beyond it (as will be seen) in the composition of the Federal executive. And, because it was grounded on compromise, the constitution of 1848 (revised, but not altered in its essential structure, in 1874) has proved an unqualified success. The average Swiss, it is said, still feels himself to be a citizen of his Canton first and only secondly a citizen of Switzerland, but the growing habit of migration shows that this local patriotism is no longer exclusive and intransigent. Religious feeling, likewise, is still strong, but no longer bitter and bellicose. The Swiss, in fact, have become in the course of two or three generations what they never were before, a united nation, and a nation so united that twice within thirty years it has successfully withstood the severest possible test. Though the combatants spoke the same language as the diverse sections of the Swiss people and were akin to them in race and culture, and though they fought just outside the Swiss

<sup>1</sup> Rappard, *op. cit.*, 16.

<sup>2</sup> Switzerland is not a confederation in the strict technical sense, but a genuine federation. For the difference, see p. 94, note 1, below.

frontier, the two great wars have not weakened, they have strengthened, the unity of Switzerland.

Indian students of politics have been interested in the Swiss constitution for some time past, and this interest has grown with the growing importance of the constitutional problem and the growing recognition of communal dissension as the most difficult element therein. Study of the Swiss constitution now figures in the Political Science or History curriculum of several Indian universities,<sup>1</sup> and in the course of the last few years its merits have been frequently discussed by Indian publicists. In 1939, for instance, Dr. C. R. Reddy, Vice-Chancellor of Andhra University and a member of the Madras Legislative Council, argued that a composite Cabinet is the 'natural corollary' of a composite legislature and commended the Swiss example of a composite and independent executive.<sup>2</sup> In 1941, again, Dr. G. S. Mahajani, a member of the Bombay Legislative Council, declared in a public speech, applauded by the veteran Liberal, Sir Chimanlal Setalvad, that the aggravation of the communal problem had been due to the adoption of 'parliamentary democracy' and that the best way of dealing with it was to adopt what he called 'constitutional democracy' or in other words 'to adopt a constitution somewhat akin to that of Switzerland'.

Parliamentary democracy is on a par with the law of succession under which only the eldest son inherits the ancestral property. Constitutional democracy is analogous to some extent to the law of succession in a joint family. . . . Parliamentary democracy stops short with securing to all sections of the people their due share in the parliamentary arm only. Constitutional democracy ensures their getting a due share both in the executive and in the parliamentary arms—i.e., *throughout the entire constitution*. It is an improvement on the parliamentary system first because it adapts democracy to the needs of a nation of non-homogeneous composition and secondly because it does not require the special conditions under which alone the parliamentary type can function. In fact the constitutional type is the mature and developed form of the parliamentary type.<sup>3</sup>

The Swiss constitution accords with both the suggestions made earlier in this chapter as to the needs of the Indian situation. It requires the Federal Government to be a Coalition Government and it frees it from continuous control by the legislature. The relevant provisions are as follows.<sup>4</sup> After the election of the bicameral Federal legislature (National Assembly) by the people of the nineteen Cantons and six half-Cantons, the two chambers in joint session proceed to elect the Federal executive or Council. Its seven members hold office for four years, which is also the lifetime of the legislature. When a new legislature is elected, it elects a new executive. No two of the members of the Council may belong to the same

<sup>1</sup> E.g., Madras, Punjab, Mysore, Travancore, Annamalai, Delhi.

<sup>2</sup> C. R. Reddy, *Congress in Office* (Madras, 1940), 91, 97.

<sup>3</sup> G. S. Mahajani, *The Problem of the Minorities and Constitutional Democracy as its Solution*, with a foreword by Sir C. H. Setalvad (Bombay, 1941), 18.

<sup>4</sup> The text is given in Appendix III, p. 189 below.

Canton. The Federal legislature in joint session also elects the chairman and vice-chairman of the Council from among its members to hold office for one year. At the end of the year the chairman, who is also *ex officio* President of the Confederation, cannot be re-elected as chairman nor elected as vice-chairman for the next year. Vacancies in the Council caused by death or resignation during the four-year period are filled by election at the next session of the National Assembly.<sup>1</sup>

The Swiss model is clearly applicable to an Indian Province—the principle of Cantonal representation being applied not to geographical or administrative areas but to the major parties in the legislature—and it clearly deserves the serious consideration of Indian politicians. For it exemplifies a system of highly democratic government in a society which is by no means homogeneous, and a system which is not only logical in theory but has worked with singular success in practice. In the first place coalition government in Switzerland has meant, as it was bound to mean, government by compromise. Majorities have remained majorities, but minorities have not been subjected to the rigours of pure majority rule; and this has been one of the main factors in healing the old fissures in Swiss society, in tempering religious discord, and in creating in a relatively short space of time a national unity which now seems unbreakable. Secondly, the working of the constitution, while it has freed the executive from day-to-day control by the legislature, has not produced that sense of rivalry between them which is such a constantly recurring feature of politics in the United States. On the contrary, executive and legislature have worked together in remarkable accord; and the former has rarely found it difficult to obtain from the latter the measures, financial or other, which it has needed. Thirdly, Swiss Governments are both stable and strong. They are stable because the legislature, having once elected them, cannot get rid of them. Nor can they on their side dissolve the legislature as British Governments can. They must live out their four-years' life together. Theoretically, indeed, a Swiss Government might seem to be almost too stable. For four years its personnel can only be changed as the result of death or resignation. What happens, then, if the legislature proves to have been mistaken in its choice of one or more members of the executive? Personal incapacity or incompatibility might seriously impair

<sup>1</sup> The operation of these provisions has become subject to four well-established conventions. (1) Berne and Zurich, the leading Cantons with the largest populations, and Vaud, the largest of the purely French-speaking Cantons, have always been represented on the Council, and Aargau, the fifth Canton in size of population, almost always. (2) Not more than five members are chosen from the German-speaking Cantons. (3) The chairmen are elected by rotation in order of seniority, the next senior member becoming vice-chairman. The constitutions of the Cantons, which are roughly akin to each other but not identical, agree with the federal constitution in the election of the executive for a term of office which usually corresponds with the life of the legislature. But they differ from it in so far as the executive is elected not by the legislature but by the people. Nor do the Cantonal constitutions require the parties to be represented in the executive in the same way as the federal constitution requires the Cantons to be represented. Coalition Governments are the rule in all the Cantons, but they result in some of them from the system of election by proportional representation and in others from the custom of inter-party electoral agreements. (4) A vacancy in the Council is filled by a representative of the same Canton and party.

the Government's harmony and strength, and unless a misfit could be persuaded to resign, there would be no remedy. This theoretical difficulty does not seem to have made itself felt in practice in Switzerland, but, if Indian constitution-makers should think of building on the Swiss model, they might consider it advisable to guard against it. The Prime Minister, for example, in the event of such a deadlock as has been suggested, might have the right to ask the legislature for a new election. It would be for the legislature to decide whether the circumstances warranted it.

The strength of Swiss Governments, apart from their stability, is due to an interesting by-product of the constitutional system. The makers of the constitution, stern democrats, distrustful of all authority, intended the legislature, as directly representing the people, to be the dominant power in the State: the executive was to be its servant and carry out its will. But in course of time the Council has come more and more to dominate the legislature. Because, first, he belongs to a coalition, not to a one-party Government, and because, secondly, he is not engaged in constant battle to preserve his Government's life, the Swiss Minister has tended to become less and less of a party politician and more and more of a professional administrator. And this in itself can scarcely be regarded as undesirable; for the government of a modern State is a very difficult and highly technical affair, and, though a democratic politician in charge of a department must always rely on the advice of an expert civil service, he needs nowadays to be something of an expert himself. To a considerable extent this has happened in Switzerland; and the result has been that, instead of merely carrying out a policy decided for it by the legislature, the executive virtually decides the policy—except, of course, when a question is submitted to a referendum of the people—and persuades the legislature to adopt it. Because they are professionals dealing with amateurs, it has been authoritatively stated that 'the influence of the Federal Council on the Federal Assembly is, if less spectacular, actually more rather than less decisive than that which the British Cabinet exercises on the House of Commons'.<sup>1</sup> Nor is that influence challenged by Swiss public opinion. Government, it is felt, is a business in which the professionals should count most, and so habitual has this attitude of mind become that for many years past the members of the Council have been regularly re-elected time after time, and have thus been able to make of their ministerial office a lifelong career.<sup>2</sup>

There are signs, it is true, that the Swiss system is about to undergo a change. The strength of the Radical Party, which has hitherto been dominant in legislature and executive alike, is not what it was. 'Politics tend more and more to interfere with policy.' The rise of the Socialist Party seems to threaten even the principle of coalition. But the fact that the Swiss constitution may not always work in the future as it has worked in the past does not rob it of its value to the Indian student. The Indian

<sup>1</sup> Rappard, *op. cit.*, 82.

<sup>2</sup> There were only 56 Federal Councillors between 1848 and 1936.

constitution-makers will not be building for eternity. It has, indeed, already been suggested that a system which started on a basis of intercommunal coalition might ultimately develop into a system of non-communal division between Right and Left.

It is not contended that the Swiss method is the only or necessarily the best method of dealing with the composition of a Provincial Government and its relations with the legislature.<sup>1</sup> The main purpose of this chapter is to underline the lesson of the experience of the last few years, namely, that Provincial Governments in India ought, like the Swiss Government, to be stable and strong, and that they should be so composed and so related with the legislatures as to reinforce the prestige of the Government and the Law in the public mind and to promote as far as possible the appeasement of communal antagonism.

<sup>1</sup> It is only in this respect that the Swiss constitution seems to deserve consideration by Indian students. Other features of it are clearly inapplicable to India. The Federal judiciary, for example, has not as high a status in Switzerland as in the United States (Rappard, *op. cit.*, 90-1), and, as argued in Chapter VI, the Indian Supreme Court ought to have at least the same power and prestige as the American.

## CHAPTER VIII

### THE PROSPECTS OF PARTITION

#### 1

FROM the attempt made in the preceding chapters to probe the possibilities of constitutional reconstruction in the Provinces it appears that a system of Provincial self-government might be established in which the minorities could reasonably be expected to acquiescé. It would not only guarantee their cultural rights: it would give them a share of power, a place in the executive as well as in the legislature. Under any democratic form of government, however, while majority rule can be tempered, it cannot be abolished; and in each Province the major share of power would still belong to the majority. Thus no adjustment of the Provincial constitutions would go far to dissipate the Moslems' apprehensions of a Hindu Raj if all the Provinces had Hindu majorities. Fortunately for the chances of a settlement that is not the case. The percentage of Moslems in Bengal is 54.7, in the Punjab 57.1, in Sind 70.7, in the North-West Frontier Province 91.8. Hence what used to be called the 'balance theory'. The four Moslem-majority Provinces were regarded as in some sort balancing the seven Hindu-majority Provinces. In a forthright speech at the Round Table Conference Mr. Muhammad Ali pointed out that India was about to have what she had never had before, neither under the old Hindu dynasties, nor under the Moguls, nor under Ranjit Singh in the Punjab, nor under the British Raj—'majority rule'. That would be intolerable—'I could see no ray of hope,' he said—if the Moslems were everywhere in a minority: but 'luckily there are Mussalman majorities in certain Provinces. . . . That gives us our safeguard'.<sup>1</sup>

With his usual candour Mr. Muhammad Ali interpreted the safeguard as a matter of 'hostages'. Persecution of Moslems in a Hindu-majority Province could be countered by persecution of Hindus in a Moslem-majority Province. A crude idea, no doubt; a negation of civilised government. Yet it is only common sense to recognise the practical value of the possibility of retaliation as a deterrent. It promises to repay barbarism in its own coin: it does not provoke it. Poison-gas is less likely to be used in war if both sides know that, if one uses it, the other will use it too. But the value of the 'balance theory' is more positive than that. The existence of the Moslem-majority Provinces does not merely provide a safeguard in the last resort for the 24 million Moslems who live outside them. It satisfies the self-respect of the 55 million Moslems who live inside them. They may be a minority in India as a whole, but at any rate in those Provinces, great countries with a total area of some 235 thousand square miles, the major share of power is in Moslem hands.

<sup>1</sup> *Indian Round Table Conference* (Nov. 12, 1930 — Jan. 19, 1931) (Cmd. 3778), 104.



The Provinces, however, are only half the picture. If India is to retain any political unity at all, there must be a Central Government with authority, however limited, in matters which affect the Provinces in common. And at the Centre the weakness of the 'balance theory' becomes at once apparent. It is an uneven balance—seven to four—so uneven that the Moslem moderates would certainly have shown more hesitation than they did in acquiescing in the federal scheme of 1935 if they had not counted on four vital provisions or implications in it. (1) Provincial autonomy was to be a reality: the Centre would be deprived of all its old general powers of 'superintendence, direction and control' in Provincial affairs: it would only be able to act in a narrowly defined field. (2) The Central Government was to be a coalition: the Governor-General was to be instructed to do his best to form a Government 'including as far as practicable representatives of the Federated States and members of important minority communities'.<sup>1</sup> (3) Though most of the States' Rulers are Hindus and though the Hindus number about 69 per cent. of their aggregate population and the Moslems only about 13 per cent., it was thought that the representatives of the States, appointed by their Rulers, would tend to be less communal-minded than the members of the British-India parties, chosen by separate popular electorates, and would constitute a neutralising element in the Central Government. In the Central legislature, similarly, the States' representatives would act, it was expected, as a counterweight to the balance of the British-India parties. The Congress might obtain a majority of the British-India seats and yet be in a minority in the legislature as a whole. (4) At the Centre, finally, the Governor-General was to be charged with a similar 'special responsibility' to that of the Provincial Governors 'for the safeguarding of the legitimate interests of minorities'.

On these considerations the measure of agreement embodied in the Act of 1935 was founded. The moderate Moslem leaders, whatever their misgivings may have been, did in fact acquiesce in the federal scheme; and, if the more radical Mr. Jinnah rejected it, it was not for communal reasons.<sup>2</sup> Nor was it Mr. Jinnah's opposition that wrecked the settlement: it was wrecked by the policy adopted by the Congress leaders from 1937 to 1939. For, as explained in Chapter II, they destroyed or threatened to destroy all the assumptions on which Moslem acquiescence had been grounded. They infringed Provincial autonomy. They rejected coalition Governments. They showed that, even if the 'safeguards' could be made effective—and the Moslems doubted that—it would not affect the Moslems' major grievance, their exclusion from all power. They attempted, lastly, to force responsible government on the Indian States and so opened up a prospect of obtaining a solid Congress majority in the Central legislature. That meant that there was to be no escape for the Moslems from the rigours of a Congress Raj. The Central Government as well as those of the Hindu-majority Provinces

<sup>1</sup> *Instruments of Instructions to the Governor-General and Governors*, 1935. Cmd. 4805.

<sup>2</sup> See Part II, 9-10, 197, and p. 21 above.

would be a Congress Government. And it was this extension of the logic of 'majority rule' to the Centre that finally drove Mr. Jinnah and the League to its logical alternative, Partition. Rather than such a Centre, they said, there must be no Centre. And they went further. Whatever the Hindus did, they finally declared, there *could* be no Centre: for the Moslems were not a minority in an Indian nation but a separate nation, entitled to the same national status as the Hindus, and a nation so separate that it could not live in the same State with the Hindus, but must have its own State or States in those Moslem-majority areas which constituted its national homelands.

## 2

No one who is familiar with present conditions in India can honestly question the strength of the hold which the idea of Partition has obtained on the minds of Indian Moslems. It is the cardinal fact of Indian politics to-day; and no discussion of the Indian problem can be fruitful which does not recognise it and seek to comprehend the reasons for it. They are not subtle or mysterious reasons: they emerge plainly enough from the record of things said and done contained in the preceding parts of this Report: but it may be convenient at this point to recall and marshal them in coherent form.

(1) In the first place the prospect of Partition goes far to resolve that complex of pride and fear which—as argued in Chapter II—has been the chief cause of the recent deepening of the Hindu-Moslem schism. For more than half the Indian Moslems it eliminates the fear of a Hindu Raj and all it might mean for them immediately and ultimately, by cutting them clean out of its ambit. And Partition ministers to their pride by converting them from a minority in one great State into a majority in two smaller ones and by recognising that they are not merely a community in a composite Indian nation but a nation by themselves, entitled to its national independence in its national homelands. Moreover, it broadens their footing in the world. In an undivided India they belong to a country in which Hinduism predominates, and the realm of Hinduism is confined to the land of its birth. Only in some scattered settlements of emigrant traders and labourers are the Hindus linked with other countries. The Moslems on the other hand are members of a world-society, and, once separated from Hindu India, they would be free, it is argued, to cultivate and strengthen their natural association with their fellow-Moslems beyond the Indian frontier. Their States would stand side by side with the Moslem States of the Middle East. They would be more fully conscious than they can be to-day that they belong to a great brotherhood whose homelands stretch far beyond the bounds of India. If, on the other hand, they turn their backs on the outer world, if they acquiesce in a permanent subjection to the Hindu majority in an isolated India, they doom themselves to something like the fate of the minorities in

Europe. It is significant that in 1938, some eighteen months before the League formally adopted the policy of Pakistan, Mr. Jinnah was already drawing an analogy between the Indian Moslems and the Sudeten Germans.<sup>1</sup>

(2) Secondly, Partition, it is claimed, will solve the minority problem throughout India as nothing else can. It adopts the 'balance theory' in a form in which alone it can be valid. Moslem States are balanced against one or more Hindu States to which, whatever their size, they are equal in national status. There will still be minorities in them all. It would be better, no doubt, if they could be communally homogeneous. A wholesale exchange of population between the Moslem and Hindu States would be highly desirable if it were practicable, but, as will be explained later on, it is not. Some transfer, no doubt, would be possible. It is proposed, as will be seen, to separate certain predominantly Hindu districts from the Punjab and Bengal; and Hindus and Moslems living near but on the wrong side of any of the frontiers might be encouraged and assisted or even in the last resort compelled to migrate. But, though communal homogeneity is an impracticable ideal, though there will be millions of Moslems in the Hindu States, not to mention other minorities, they will no longer constitute a serious problem, for the simple reason that the intercommunal struggle for power, precipitated by the near approach of India's final liberation from neutral British control, will cease to exist in the Partition States. Coalition Governments and other statutory safeguards for minorities are part of the League's programme for the Moslem States; but it will be recognised that they are essentially Moslem States in which Moslem policy and culture will predominate, just as the Hindu States will be essentially Hindu. Nor will their respective minorities be encouraged any longer to keep up their quarrel with the majorities by such attempts as have been made in the Provinces in the course of the last six years to organise and direct them on an all-India footing in order to ensure a communal ascendancy at an all-India Centre. There will be no such Centre. That issue will be dead. 'In my opinion', said Mr. Jinnah, explaining the League's adherence to Partition in 1940, 'after the present tension created by the ambition of one community dominating over the other . . . is eased, we shall find better understanding and goodwill created all round.' 'The division of India', he went on, 'will throw a great responsibility upon the majority in its respective zones to create a real sense of security amongst the minorities.'<sup>2</sup> And the majorities, it is argued, are more likely to discharge this responsibility—and the minorities similarly to become reconciled to their position—because it will be understood on both sides that in the last resort the 'hostage'

<sup>1</sup> 'It was because the Sudeten Germans were forced under the heel of the majority of Czechoslovakia who oppressed them, suppressed them, maltreated them and showed a brutal and callous disregard for their rights and interests for two decades, that the Republic of Czechoslovakia is now broken up and a new map will have to be drawn. Just as the Sudeten Germans were not defenceless and survived the oppression and persecution for two decades, so also the Mussalmans are not defenceless and cannot give up their national entity and aspirations in this great continent.' *Indian Annual Register*, 1938, ii, 354.

<sup>2</sup> *India's Problem of her Future Constitution*, 30.

principle can be brought into play more effectively between independent States than between federated Provinces.<sup>1</sup>

(3) Thirdly, it is claimed that Partition will ease the problem of defence for all India. Since the Japanese assault from the South and East, the north-west frontier can no longer be regarded as the only dangerous frontier, but under modern conditions it is harder to defend against a full-scale invasion than the borders of Assam and Bengal, and it is argued that attack from the North-West would be far less likely if the State which held the passes were not India but Pakistan.

The north-west frontier [writes a Moslem publicist] will lose all importance once a Muslim State is established in the North-West. The tribesmen and the people beyond the frontier are all Muslims. They will lose all religious and political fervour for *jihad* against non-Muslims once they find that they have to reckon with their brothers in Islam. If the frontier between Afghanistan and Persia or that between Persia and Turkey can be easily defended by comparatively small armies, there is no reason why the same should not be possible in the case of the frontier between Afghanistan and the Muslim North-West [State].<sup>2</sup>

The position could be stabilised, moreover, by non-aggression treaties or full-scale alliances between Pakistan and her Moslem neighbours. Why should she not make a fifth subscriber to the Pact of Saadabad which bound together Turkey, Iraq, Persia and Afghanistan for mutual security in 1937? Is not that the natural focus of the international relations of Moslem India? Since it is only her unnatural marriage with Hindu India that has hitherto compelled her to turn her back on it, should she not seek a divorce?

(4) Fourthly, in an undivided India, when military organisation is in Indian and mainly Hindu hands, the proportion of Moslems in the Indian army is bound to be reduced. There would be nothing to prevent the realisation of the principle, so vigorously upheld by the Mahasabha, that the composition of the army should reflect the communal composition of the people. In that event the proportion of Moslem soldiers, which in 1939 was more than one-third and is now 30.8 per cent., would fall to less than one-quarter. This would not only affect the standard of living in the Punjab, which, as has often been pointed out, owes so much to the pay and pensions of Punjabi troops. It would give a Hindu Raj the ultimate guarantee of military power. It would strengthen the consciousness of inferiority in Moslem minds. It would make them less able to resist the moral pressure of Hinduism.

(5) Fifthly, by Partition and only by Partition, it is said, can Indian Moslems acquire the power of economic self-determination. Hindu-Moslem antagonism has always had its economic side, and one of the chief reasons why the Moslems dread the prospect of a Hindu Raj is the power it would give the Hindus to confirm and strengthen their economic domination in

<sup>1</sup> *Confederacy of India* (Lahore, 1939), 205. *India's Problem of her Future Constitution*, 41.

<sup>2</sup> *Ibid.*, 40.

all parts of India. Moslems deny that Hindus are necessarily or innately better business-men. They are not afraid of competing with them, given equal terms and an equal start. But they lost their footing when in the course of the last century they rejected for a time the gilded opportunities of Western education, and they have not yet recovered it.<sup>1</sup> Thus the coming of the industrial revolution in India caught them at a disadvantage. The virtual monopoly possessed by the Hindu shopkeeper and moneylender in retail trade and marketing even in an overwhelmingly Moslem countryside, the Hindu preponderance in the growth of urban life, in the new professional and commercial middle class, even in the Punjab or in Sind—all that was bad enough; but the rise of industrialism made matters worse. Moslems, of course, do not deny the value of industrial development, but they argue that the vast majority of the population of India must always get its living from the soil, and that it is easy to exaggerate the extent to which the relentless pressure of that population's growth on the productive capacity of that soil can be tempered by industrial development. The balance of Indian economy, therefore, they maintain, should favour agrarian interests. Already before the war the peasant had to pay the price for the tariff needed to protect the growth of large-scale industry, and the maintenance of the industrial expansion prompted by the war will require similar protection in the future. When British control at the Centre is withdrawn, is not the balance likely to be still further weighted on the industrial side? That ought not to be, of course, a communal issue. The vast majority of the Hindus as well as of the Moslems are agriculturalists, and in their common interest, as in that of the growing ranks of labour, lies the best hope that the lines of communal division in Indian politics may be some day cut across. But those common interests are not yet consolidated and organised, and in the meantime agriculture *versus* industry must be largely a communal issue, because Indian industry is at present mainly Hindu. The North-West Moslem 'homeland' is overwhelmingly agrarian. Its population amounts to about 12.3 per cent. of the population of British India, but, so far as can be estimated, the proportion of its industries is only 5.1 per cent. of those of British India and that of its mineral development only 5.4 per cent.<sup>2</sup> Bengal as a whole is much more highly industrialised. It has 20 per cent. of the population of British India and, to reckon by the number of workers employed in factories, 33 per cent. of its industry. But the industrial area is mainly that of predominantly Hindu Calcutta and its neighbourhood; apart from Calcutta the North-East Moslem 'homeland' is even more dominantly agricultural than the North-West. Indian industry, in fact, is located mainly in Hindu areas; it is

<sup>1</sup> See Part I, 32.

<sup>2</sup> The incidence of income tax and super-tax is an indication of non-agricultural economic activity since agricultural incomes are not subject to them. The amount raised by those taxes in 1939-40 in the Moslem North-West area constituted 6.8 per cent. of the total for British India. The amount of corporation tax, which is evidence of urban development, was less than 3 per cent.

financed and owned mainly by Hindu capitalists; it provides a livelihood mainly for Hindu labour. Thus, though the protected growth of Indian industry compels the Hindu peasant as much as the Moslem to pay more for his spade and his clothes and his household goods, the general balance is heavily against the Moslems. In an undivided India it might be redressed to some extent by a Centre which deliberately planned a more even distribution of industrial development. But is there any hope of that, the Moslems ask, under a Hindu Raj? Will not their interests be increasingly and permanently subjected to Hindu capitalism? And is there any way of escaping from that stranglehold except the way of Partition? Pakistan at least could control its own economy. In the North-West, at any rate, it could establish and protect its own industries. Instead of sending its raw cotton to the mills of Bombay, it could build more mills of its own and protect their products with a tariff. And later on, if capital were available, it could apply its great reserves of water-power to further industrial development. Karachi, too, might be developed till it eclipsed Bombay as the port of entry for all north-west India. Impartial economists may deplore such a prospect. They may argue that the economic results of the political disruption of India are bound to be as bad for all concerned as the results of the disruption of the Hapsburg Empire proved to be in the interval between the wars. But what is the alternative?, Moslems will reply. It would not be a balanced system of economic co-operation and reciprocity settled on equal terms. It would be more like Hitler's 'new order', which seeks to concentrate the control and the profits of all industry in Central and Western Europe in German hands.

Such, in outline, is the case for Pakistan; such are the advantages it holds out for the sixty million Moslems of British India whom it enables to escape from a Hindu Raj. But what of the twenty million who must perforce be left within its grasp? It was natural, no doubt, that the Moslem reaction to Congress policy should have begun among the Moslem minorities under Congress rule, but it seems less natural that the separatist policy to which that reaction so swiftly led should have been more warmly welcomed among those same minorities than elsewhere. For plainly Partition could not save *them* from a Hindu Raj. Wholesale migration being out of the question, they would be doomed to remain after Partition a permanent minority, and now an isolated minority, cut off by international frontiers from the greater part of their fellow-Moslems. The explanation of this puzzle is not far to seek. It is where they are in a minority that Moslems feel most acutely the ultimate danger of absorption in Hinduism if all India is subjected to a Hindu Raj. Partition can directly avert that fate only from the Moslems inside the Moslem States, but indirectly it can protect the Moslems outside also. Apart, the latter argue, from the possibilities inherent in the 'hostage' principle, the existence of a strong and independent State not far away, wherein Islam is securely and permanently enthroned,

would give them the requisite moral support to enable them to hold their own against the rising tide of Hinduism. Since Islam transcends frontiers, Pakistan would, so to speak, belong to them as much as to its own inhabitants. 'While for us', says Mr. Rahmat Ali, founder of the Pakistan National Movement, 'it is a national citadel, for them it will ever be a moral anchor. So long as the anchor holds, everything is or can be made safe. But once it gives way, all will be lost.'<sup>1</sup>

Finally, a case has been made for Partition from the standpoint of Hindu interests. The excision of the Moslem-majority areas, it has been argued, would leave the rest of India more homogeneous. The Hindus might benefit from the loss of them as the Turks have benefited from the loss of their one-time Arab Provinces. The minority problem would no longer obstruct the application of Congress ideology. The 'logic of democracy' could come into its own. Numbers could be given their due weight. A strong unitary Centre would at last become a practical proposition. Furthermore, Hindu India would be safer. Partition or no, the Moslem block in the North-West is a standing threat to Hindu India. There can be no doubt, says Dr. Ambedkar in his interesting *Thoughts on Pakistan*, that those Moslems are hostile to the Hindus. 'Which then is better for the Hindus? Should these Mussalmans be *without and against* or *should they be within and against*?'<sup>2</sup> If within, their disproportionate strength in the Indian army could not be easily or quickly adjusted. They are already afraid of such a change and will bitterly oppose it; and it would take time to build up new regiments in those Hindu areas in which the habit of professional soldiering has long died out. The frontier between Pakistan and Hindustan, it is true, would not be easy to defend; but is it better for the Hindus, asks Dr. Ambedkar, to have a safe frontier or a safe army?

## 3

What are to be the boundaries of the projected Moslem States?

The Partition resolution carried at the Session of the Moslem League at Lahore in March 1940 laid down the following 'basic principle':

That geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Moslems are numerically in a majority, as in the north-western and eastern zones of India, should be grouped to constitute 'independent States'.<sup>3</sup>

Up to the present the League has thrown no further official light on the question of delimitation. Mr. Jinnah has never publicly defined the boundaries of those north-western and eastern zones. In a closing speech at the League Session at Delhi in April 1948 he is reported to have said that there was no League map of Pakistan nor any scheme of it 'to which the Muslim League was committed directly or indirectly in any way what-

<sup>1</sup> B. R. Ambedkar, *Thoughts on Pakistan* (Bombay, 1941), 111.

<sup>2</sup> *Ibid.*, 93.

<sup>3</sup> Part II, 206.

soever except the Lahore resolution'.<sup>1</sup> But it is generally understood that Mr. Jinnah and his colleagues of the League 'high command' have a fairly definite map in their minds. They contemplate, it is believed, two Moslem National States, which for convenience will be entitled in these pages 'Pakistan' and 'North-East India'. Pakistan is to comprise the North-West Frontier Province, the Punjab, Sind and British Baluchistan. 'Territorial readjustments' are suggested to exclude the Ambala Division from the Punjab. This Division contains 3,099,000 Hindus, 240,000 Sikhs and 1,318,000 Moslems: its exclusion would raise the Moslem majority in the Punjab, which is at present 57.1 per cent., to 62.7 per cent. The destiny of Kashmir, which has a Hindu ruler but a 76.4 per cent. Moslem majority of its population, and the position of other princely States which lie within or alongside the boundaries of the Punjab are left, it is supposed, for future discussion.<sup>2</sup> North-East India is to comprise most of Bengal and Assam, the 'territorial readjustment' in this case being the exclusion of the Hindu-majority districts which constitute the Burdwan Division in Western Bengal. This Division contains 8,125,185 Hindus and 1,429,500 Moslems. By their exclusion the present Moslem majority of 54.7 per cent. in Bengal would be raised to 65 per cent.

The area and population of the two States (as formed out of British India only) are shown in the following tables.

AREA (in square miles)					
Pakistan .....	about 169,000	(Iraq : 177,148)			
North-East India .....	131,000				
Total ...	300,000	(Burma : 262,732)			

POPULATION (in millions)					
	Moslems	Hindus	Sikhs	Others	Total
Pakistan	22.7	9.0	3.9	1.0	36.6
North-East India	35.0	21.1	0.02	2.2	58.32
Total ...	57.7	30.1	3.92	3.2	94.92

It has been generally assumed that the option for or against Partition would lie with the Provinces. That was what the British Government proposed in its Draft Declaration of 1942. In the course of the negotiations at Delhi, Sir Stafford Cripps agreed that a bare majority of a Provincial

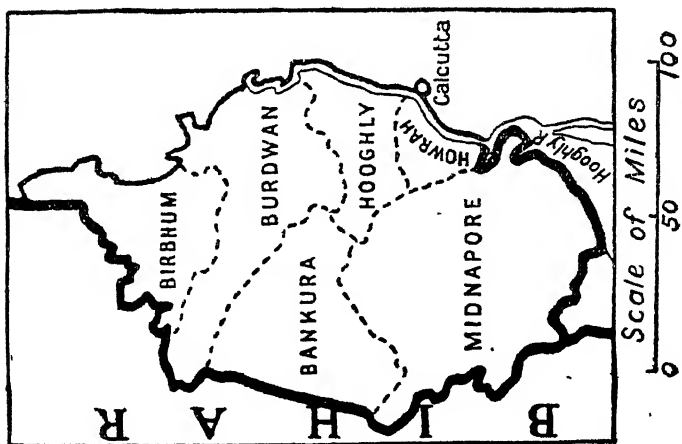
<sup>1</sup> *Bombay Chronicle*, April 28, 1943. 'There were attempts by individuals', Mr. Jinnah added, 'to which the League is not committed.' For some of these see Part II, 199-204.

<sup>2</sup> In a statement to the Press on April 1, 1940, Mr. Jinnah said: 'The only important States which matter are not in the eastern but in the north-western zone. They are Kashmir, Bahawalpur, Patiala, etc. If these States willingly agree to come into the federation of the Muslim Homeland, we shall be glad to come to a reasonable and honourable settlement with them. We have, however, no desire to force them or coerce them in any way.' *India's Problem of her Future Constitution* (Bombay, 1940), 30. Mr. Jinnah might also have mentioned Baluchistan, the greater part of which is not 'British' but under the rule of the Khan of Kalat.



*These maps show the Districts of which the Divisions are composed.  
States' territory shaded.*

THE BURDWAN DIVISION OF BENGAL,



THE AMBALA DIVISION OF THE PUNJAB



legislature was not sufficient to decide so great an issue, and that, if the majority in favour of adhering to a new all-India constitution were less than 60 per cent., the minority should be entitled to demand a plebiscite of the adult male population.<sup>1</sup> But the Moslem separatists want more than this: they claim that the question of Moslem 'homelands' is for Moslems alone to decide; and Mr. Jinnah has proposed that the decision should not be made by the Provincial legislatures at all but by plebiscites, and not by plebiscites of the whole populations of the Provinces concerned but only of their Moslem majorities.<sup>2</sup>

So far the prospective procedure seems simple enough, but it becomes at once more complicated when the 'territorial readjustments' are considered. The proposed exclusion, to begin with, of those Hindu-majority districts from Moslem States would seem to deny them the right of self-determination enjoyed by their neighbours. Can it be taken for granted, for example, that the people of the Ambala Division would prefer to belong to the United Provinces or to some newly demarcated Province in the Hindu State rather than remain within the Punjab and Pakistan? Dr. Ambedkar suggested in May 1948 that this difficulty would be met if Parliament were to pass an Act providing for two plebiscites in the areas for which Partition was proposed, one among the Moslems and the other among the non-Moslems, the results to determine as far as practicable the subsequent demarcation of the frontiers by a boundary commission.<sup>3</sup>

Apart from the question of self-determination, the 'territorial readjustments' raise serious issues in both States. As to Pakistan, the following comments may be made.

The exclusion of the Ambala Division from the Punjab would accord with the principles of Economic Regionalism discussed in Chapter X, since the Division depends for its vital irrigation not on the waters of the Five Rivers of the Punjab, but, like the adjacent part of the United Provinces, on those of the Jumna system. But its exclusion from the Punjab would not only mean the loss of a substantial body of Provincial producers and taxpayers: it would also upset the intercommunal balance that has hitherto prevailed. That is, indeed, presumably its object, but it is at least arguable that to increase the Moslem majority may not be the best way of dealing with the communal problem, nowhere more difficult and dangerous than in the Punjab. Until quite recently, at any rate, its Moslem leaders have maintained that the fact that the balance is not too uneven has made for communal harmony rather than against it. The majority report of the Punjab Provincial Committee, which was appointed in 1928 to co-operate with the Simon Commission, affirmed that 'any large disparity between the communities in the present circumstances is undesirable in the interests

<sup>1</sup> *The Cripps Mission*, 86.

<sup>2</sup> *Times of India*, April 25, 1948. Under this plan a decision for Partition could be made by 51 per cent. of 57 per cent. (i.e., 29 per cent.) of the population of the Punjab, and by 51 per cent. of 54 per cent. (i.e. 27 per cent.) of the population of Bengal.

<sup>3</sup> *The Times*, May 18, 1948.

of the Province and good government'. 'As the communities are at present balanced', it went on, 'there is not even a remote chance for any one community to form a Cabinet on communal lines.'<sup>1</sup> Seven years later the chairman of the Committee, who with his Moslem colleague and two others had signed the majority report, became Premier of a fully self-governing Punjab and remained Premier till his death at the end of 1942. Sir Sikander Hyat Khan's Ministry, as he had foreseen, was necessarily an intercommunal coalition, and, if the Hindu share in it was not as substantial as it might have been, that was mainly due to the Congress 'high command's' refusal to allow Congressmen to take office in non-Congress Provinces. As it was, Sir Sikander steered the Punjab straight and firmly through a period of exceptional strain, enhanced by the outbreak of the war and the rising tide of communal antagonism. The one outstanding and unbroken success, indeed, in the working of the new constitution has been the Punjab's:<sup>2</sup> and it cannot be questioned that this was largely due to the ardour and sincerity with which the Premier in and out of season preached the doctrine of intercommunal co-operation in the service of the Province.<sup>3</sup> Nor did he conceal his anxiety lest the adoption of the Pakistan policy might mean the replacement of that doctrine by a doctrine of communal ascendancy and domination.<sup>4</sup> Partition, whatever its frontier lines, will not abolish the communal problem. With Ambala gone there would still be 8.8 million non-Moslems in the Punjab. It is natural enough that the Moslems should welcome the idea of increasing their majority in the Province, but would they find it easier to deal with the minorities if their traditional policy were abandoned and the existing balance of communities upset?<sup>5</sup>

It is not only a question of the balance between the Moslems and Hindus. The exclusion of the Ambala Division also affects the position of the Sikhs. Of the six million Sikhs in all India, 3.8 million are domiciled in the Punjab and 1.4 million in the Punjab States. This is only about 15 per cent. of the aggregate population of the Province and the States, and there is not a single district of the Province in which the Sikhs are in a clear majority; but the traditional qualities of the typical Sikh—the sturdy free-minded peasant-proprietor of the Central Punjab, where he owns most of the best land—his energy and toughness and courage and the great contribution he has long made and is still making to-day to the strength and renown of the Indian Army give to his community an importance in the Punjab out of all proportion to its numbers. Though it is still prone to the sectional rivalries which broke up Ranjit Singh's kingdom immediately after his death, it is the most compact and closely organised of all the

<sup>1</sup> *Indian Statutory Commission*, vol. iii, *Reports of the Committees*, etc., 410-11.

<sup>2</sup> See Part II, chaps. v and ix.

<sup>3</sup> *Ibid.*, 47-9.

<sup>4</sup> *Ibid.*, 252.

<sup>5</sup> In a memorandum by Sir Geoffrey Corbett, circulated at Mr. Gandhi's request at the second session of the Round Table Conference in 1931 (*Proceedings*, Cmd. 3997, pp. 107-9), it was argued that the exclusion of most of the Ambala Division would give the Moslems such a clear majority that they would be able to dispense both with separate electorates and with reserved seats. The memorandum was opposed by Raja Narendra Nath, representing the Hindus of the Punjab (*ibid.*, 111).

Punjab communities and the most capable of showing a united front if it feels its communal interests to be in danger.

The importance of the Sikhs in the politics of the Punjab has been clearly shown under the *régime* of responsible government initiated in 1937. Owing their existence as a community, on the one hand, to Hindu reaction against the Moslem tyranny of Aurungzeb, but sharing, on the other hand, as peasants and soldiers a common interest with a large class of Punjab Moslems, they have held the balance in Provincial politics, and the position of Sir Sikander Hyat Khan's Government was never comfortable as long as he failed to secure the co-operation of more than a section of them. But the situation was greatly eased by the pact which Sir Sikander concluded with Sardar Baldev Singh in the summer of 1942,<sup>1</sup> especially as it obtained at least the tacit acquiescence of the most formidable and fiercely 'nationalist' section, the Akalis. There seems to be no reason why the Sikh problem should not be successfully handled on similar lines in the future. Additional security to the Sikhs could be given by a statutory provision for their representation in the Punjab Government as suggested in Chapter VII and also, if it seemed desirable, by cultural autonomy legislation of the kind described in Chapter VI. But such prospects of future harmony have been overshadowed by the doubts and fears excited by the Partition issue. From the Sikh point of view it is one thing to belong to a Province of United India and quite another thing to belong to a Province of Pakistan, a Province, moreover, in which, if the Ambala Division were excluded, the make-weight against Moslem domination would have been substantially reduced.

Mr. Jinnah, of course, has been well aware from the outset of his campaign that of the many problems raised by Partition the Sikh problem is one of the most thorny; and a few days after the passing of the Lahore resolution he made a public statement on it, expressing his respect for the Sikh community and his conviction that it had nothing to fear from Pakistan.

I am sure they would be much better off in the North-West Muslim Zone than they can ever possibly be in a United India or under one Central Government; for under one Central Government their voice would be negligible. The Punjab in any case would be an autonomous sovereign<sup>2</sup> unit. And, after all, they have to live in the Punjab. It is obvious that, whereas in a United India they would be mere nobodies, in the Muslim homeland . . . the Sikhs would always occupy an honoured place and would play an effective and influential role.<sup>3</sup>

But the Sikhs are more concerned with their position in North-West India than in India as a whole, and it is the prospect of a Moslem, not of a Hindu, Raj that alarms them. Their reaction to Pakistan as conceived by the Mos-

<sup>1</sup> Part II, 44

<sup>2</sup> For the use of the word 'sovereign', see p. 38 above.

<sup>3</sup> Statement to the Press, April 1, 1940: reprinted in *India's Problem of her Future Constitution*, 30. Moslem writers point out that (1) the Sikhs number 1.3 per cent. of the population of all India and would number about 9 per cent. in Pakistan, and (2) the exclusion of Ambala would raise their percentage in the Punjab from 12.9 to 15. *Confederacy of India*, 186. *Pakistan, a Nation*, 38.

lem League is the exact counterpart of the Moslems' reaction to a union of India as conceived by the Congress. Just as the Moslems, remembering the Mogul Empire, refuse to be subjected to a permanent Hindu majority at an all-India Centre, so the Sikhs, remembering that only a century ago they ruled the Punjab, refuse to become a permanent minority in Pakistan. Thus, when Sir Stafford Cripps submitted the British Government's proposals in 1942 to the various party leaders, the Sikh All-Parties Committee was the first to reject them, on the ground that the option of non-adherence to an all-India constitution was to be exercised by majorities in the Provinces. 'Our position in the Punjab', they declared, 'has been finally liquidated. . . . Why should not the population of any area be given the right to record its verdict and to form an autonomous unit? . . . We shall resist by all possible means separation of the Punjab from all-India Union.'<sup>1</sup>

It seems probable, in fact, that, rather than allow themselves to become a minority in an independent Moslem State, the Sikhs would insist on their own right of self-determination, and would demand that the area in which they are mainly settled, including the Sikh States, should be separated from the Punjab and become—since it could scarcely form an independent State by itself—a Province of the neighbouring Hindu State. Is that a practicable proposition? At first sight such a bisection of the Punjab seems natural enough. The two Western Divisions (Rawalpindi and Multan) are overwhelmingly Moslem. The two Eastern Divisions (Ambala and Jalandar) are substantially non-Moslem. The Central Division (Lahore) is mixed: its three western districts (Sialkot, Gujranwala and Sheikhupura) have a small Moslem majority; in the three eastern districts (Gurdaspur, Amritsar and Lahore) Moslems and non-Moslems are roughly equal. It would seem, therefore, to meet the needs of the case if the Province were divided into two roughly equal parts by a line drawn from north to south through the Central Division. But to determine exactly where that line should run is far from easy. The two principal cities of the Punjab—Lahore, the administrative capital, and Amritsar, the commercial capital and sacred city of the Sikhs—are both situated in the middle of the Province between the rivers Ravi and Beas and only thirty-five miles distant from each other. To fix the boundary at either of the rivers is plainly impossible: it would mean the inclusion of both cities in either the Moslem or the Hindu State. Between the two cities there is no natural dividing line of any kind. Any boundary set between them would be wholly artificial, geographically, ethnographically and economically. *Inter alia* it would cut in two the system of canals on which the productive capacity of the whole area largely depends. It would also leave the capital city of each Province exposed and defenceless, right up against the frontier. Such an artificial dividing line, despite its obvious disadvantages, might serve, if it were to be merely the boundary between two Provinces in a single federal State. Administrative difficulties, such as that of the canals, might in that case be overcome. But it is no mere

<sup>1</sup> *The Cripps Mission*, 40.

inter-Provincial boundary that is contemplated. It is to be a regular international frontier between two separate independent National States.

The exclusion of the Sikh areas from Pakistan thus looks so difficult as to be well-nigh impossible. Yet the Sikhs seem determined to fight, if needs must, rather than stay as a minority in a Punjab that would be a Province of Pakistan. The Moslem Partitionists for their part have continued to assume that no more than the Ambala Division would be cut away and that somehow or other the Sikhs might be persuaded to acquiesce; and Mr. Jinnah still maintains that an understanding can be reached provided that the problem is treated as a local problem for Moslems and Sikhs and not complicated by the intervention of all-India influences from outside.<sup>1</sup> On what lines he hopes to base such an understanding is not known; but there seems to be at any rate one possibility. The bisection of the Punjab, it has just been pointed out, would not be so intolerable if it divided Provinces, not States; and it may not be altogether inconceivable that the Sikhs, while refusing to remain in Pakistan as a minority in the Punjab, might be willing to remain in it if, in the first place, they had their own Sikh-majority Province and if, in the second place, they were conceded a strong position at the Pakistan Centre, in the executive as well as in the legislature. But that is mere speculation, and it seems at present as if the attitude of the Sikhs is a major obstacle to the realisation of Pakistan. That they could be coerced into it seems unthinkable. To attempt coercion would mean a civil war, and a war which, once it had broken out, could certainly not be confined to North-West India.

As regards North-East India the Partitionists assume (1) that Assam, which was linked with Eastern Bengal when the old Province was divided between 1905 and 1911, will similarly form part of the Moslem State, and (2) that Western Bengal (*i.e.*, the Burdwan Division) will be excluded from it. The population figures in 1941 were as follows:

	<i>Total</i>	<i>Moslems</i>	<i>Moslem Percentage</i>
	(000)	(000)	
Bengal . . . . .	60,307	33,005	54.72
Eastern Bengal . . . . .	50,020	31,575	63.12
Western Bengal . . . . .	10,287	1,430	13.9
Assam . . . . .	10,205	3,442	33.72

It will be observed that only about one-third of the population of Assam is Moslem. Only in the district of Sylhet, where the Moslem percentage is 61, is there a Moslem majority. If Partition were voted on by Provinces and if it were carried by a majority in Bengal, the position of Assam would be very difficult. If its geographical situation were different, its Hindu majority would presumably choose to adhere to the Hindu State.<sup>2</sup> But,

<sup>1</sup> See, for instance, his speech at Jallandar as reported in the *Bombay Chronicle* of Nov. 16, 1942.

<sup>2</sup> If the 'Assam States' or tribal areas are included, there is not a Hindu majority in Assam. For these areas, see p. 164 below.

the geography being what it is, would such a division be practicable? Could Assam exist as a detached Province of the Hindu State, completely cut off from it by Moslem Bengal, with no access of its own to the sea, and with a frontier of which the danger has been revealed in the present war?

The exclusion of Western Bengal raises again the question of self-determination for a Provincial minority; for Bengal has long acquired a kind of nationality of its own, based on the Bengali language and an old and rich literary and artistic tradition, and centred both culturally and economically on Calcutta. The Hindu agitation against the partition of the Province in 1905 was so violent that, despite the assurances that had been given to the Moslems, the Province was re-united in 1911. Can it be assumed, then, that the eight million Hindus of Western Bengal<sup>1</sup> would choose, if they had the choice, to be severed from their motherland—*Bande Mataram* was a Bengali patriotic song before the Congress adopted it as an all-India 'national anthem'—and grouped in a separate Hindu State with the Hindi- or Bihari-speaking people of Bihar and the Oriya-speaking people of Orissa? Above all, is it to be supposed that they would willingly be cut off from Calcutta?

Just as the Sikhs are the crux of Pakistan, so Calcutta is the crux of North-East India. In both cases the Partitionists apparently take inclusion in the Moslem State for granted. Yet the population of Calcutta and its neighbourhood is predominantly Hindu. The city itself contains 1,531,512 Hindus, 79,844 other non-Moslems, and 497,535 Moslems. It lies in the Twenty-four Parganahs District, which, excluding the city, contains 2,309,996 Hindus, 78,210 other non-Moslems, and 1,148,180 Moslems. Thus, both in the city and in the district, the proportion is over two to one in favour of non-Moslems. And this balance is reflected in the city's cultural and commercial life. All Bengalis, whether Moslem or Hindu, may well be proud of the fact that Calcutta both in culture and in commerce is the queen of Indian cities, but in both, apart from the great contribution of British enterprise to the latter, the Hindu share predominates. Moslems have substantial business interests in the area, but the Hindu interests are unquestionably greater.<sup>2</sup> There is a Moslem College in the

<sup>1</sup> The districts which it is proposed to exclude from the Moslem State are the six districts of the Burdwan Division. Their population in 1941 was as follows:

	<i>Non-Moslems</i>	<i>Moslems</i>	<i>Total</i>
Midnapore . . . .	2,944,088	246,559	3,190,647
Bankura . . . .	1,234,076	55,564	1,289,640
Burdwan . . . .	1,554,067	336,665	1,890,732
Hooghly . . . .	1,170,652	207,077	1,377,729
Birbhum . . . .	761,007	287,310	1,048,317
Howrah . . . .	1,193,979	296,325	1,490,304

<sup>2</sup> No precise calculations are available, but a broad idea of the preponderance of Hindu business interests can be obtained from a study of the arrangements made for the representation of commerce and industry in the Bengal legislature under the Act of 1935. Lord Lothian's Franchise Committee recommended 15 seats for this class of representation, and

huge University of Calcutta, but the great majority of the 37,000 students in the university as a whole are Hindus.<sup>1</sup> Communal discord has long been provoked by the fact that a Hindu-majority city is the capital of a Moslem-majority Province. Would it not be greatly aggravated and exacerbated if it became the capital of a Moslem State cut away from Western Bengal and the rest of Hindu India? Would not such an arrangement beget at least as much bitterness and friction as any article of the Treaty of Versailles has begotten in Europe? The trouble at Danzig, Vilna and Lvov was caused in each case by the association of the majority of their local populations with a foreign State. Yet, deprived of Calcutta, North-East India would become a rather dubious proposition. For economic reasons, which will be discussed later in this chapter, it could not maintain itself as a separate independent State. It could only exist as a detached and backward Province of Pakistan, separated from it—since a corridor across the breadth of Hindu India is plainly impracticable—by more than 800 miles of land and air and more than 2,500 miles of sea.<sup>2</sup>

Frontier-delimitation raises another important question—the question of migration. If frontiers can be shifted, so, with more or less hardship, can people. The compulsory exchange of Greek and Turkish populations in 1923-4 under the auspices of the League of Nations has often been cited as an example of a method of dealing with a minority problem which, harsh as it is for the existing generation, offers a better prospect than any other method of peace and happiness in the future. Undoubtedly the transfer of several hundred thousand Greeks and Turks across the frontier has eliminated the main cause of friction between Greece and Turkey and made

these were to be allocated to bodies whose members were almost wholly Hindu or British. As the result of Moslem protests, the newly constituted Moslem Chamber of Commerce was given one seat out of the nineteen ultimately allotted to commerce and industry. Further evidence emerges from the results of the test applied for inclusion on the roll of a commercial and industrial constituency. The qualification required under the Act of 1935 for an individual, firm or Hindu joint-family was assessment for income tax on an income of not less than 10,000 rupees (£750) derived from commerce or industry, for a corporation paid-up capital amounting to not less than 1 lakh (£7,500). The results of the test were as follows:

	Membership	Number excluded
Bengal National Chamber of Commerce .	349	125
Indian Chamber of Commerce . . .	245	99
Marwari Association . . . . .	201	67
Moslem Chamber of Commerce . . .	73	41

The first two of the above bodies are dominantly Hindu. The third, as its name shows, is wholly non-Moslem. See the *Report of the Delimitation Committee*, vol. 1 (1936: Cmd. 5099), par. 455, and the *Report on the Reforms Office in Bengal, 1932-7* (Calcutta, 1938).

<sup>1</sup> Figures for Calcutta University by itself are not available. \* The figures for Calcutta and Dacca Universities together, men and women, are 23,565 Hindus and 4,405 Moslems. The proportion of Moslems at Dacca is probably higher than at Calcutta.

<sup>2</sup> It has been suggested that in the event of Partition, Calcutta should be given a separate autonomous status akin to that of Delhi Province. This would doubtless ease the communal position—though Danzig is again a discouraging precedent—and such a compromise would be clearly better for North-East India than the inclusion of Calcutta in the Hindu State; but it would still inflict on North-East India an irreparable economic loss.



possible a friendlier relationship than they enjoyed before. A similar procedure, though on a far smaller scale, was recommended by the Palestine Royal Commission as a rider to its proposal of Partition.<sup>1</sup> And it is widely held that this kind of surgical operation may be the only real or lasting remedy for the disease which has so long wrecked the health of multi-national States in most of Europe. 'The segregation of races with strong natural antipathies', writes the late Director of the International Labour Office, whose duties brought him into close contact with the peoples concerned, 'is one of the conditions of peace in eastern and south-eastern Europe.'<sup>2</sup> 'Even the hardships and injustices of population transfer would be worth while', the President of Czechoslovakia is reported to have said, 'if they helped to establish a more permanent equilibrium.'<sup>3</sup>

Indian peasants cling to their land with all the traditional tenacity of peasants anywhere, and it would not be easy to apply this method of easing the minority problem to India. Members of a Moslem or Hindu Provincial minority living near the border of a Moslem-majority or Hindu-majority Province might conceivably be induced at a price to cross the line, whether India is partitioned or not. When he explained the Lahore resolution to the Press, Mr. Jinnah, while repudiating the suggestion that Moslem minorities would have to migrate *en bloc* into the Moslem States, declared that 'exchange of population, as far as practicable, will have to be considered'.<sup>4</sup> But it must not be supposed that the minority problem in India could be eased by this method to anything like the same extent as it might be eased in small European countries. If, indeed, all or nearly all the Indian Moslems could migrate into the Moslem States and all or nearly all the Hindus migrate out of them, that would be the strongest point in favour of Partition. As in the case of Greece and Turkey, the old antagonism might at last begin to wither away for lack of grievances and 'incidents' to feed on, and a new understanding become possible which might even lead to an ultimate reunion. But a separation so complete is quite impossible. Numbers and distance alike forbid it. Mass-transfer would involve not hundreds of thousands but millions or tens of millions, and in many cases it would mean an unbearable change of climate and of all the ways of life which climate has dictated. Nor would it bring about in India, as it would in the Balkans, the union of homogeneous folk. The transferred multitudes would find themselves among people of a different stock, speaking a language they could not understand. It would be like a wholesale migration of French Protestants to Norway. The fact, indeed, must be faced that, however the lines of Partition were drawn and whatever local shiftings of population might be practicable, the Hindu States would be bound to contain several million Moslems and the Moslem States several million Hindus.

<sup>1</sup> *Report* (Cmd. 5479), chap. xxii, pars. 40-43.

<sup>2</sup> Harold Butler, *The Lost Peace* (London, 1941), 210-11.

<sup>3</sup> *Sunday Times*, London, May 23, 1943.

<sup>4</sup> *India's Problem of her Future Constitution*, 29.

In stating the case for Partition it has so far been assumed that it would be financially practicable, that the Moslem States would be able to pay their separate way. That assumption must now be put to the test. It cannot be a complete and fully scientific test, for that would demand a long and detailed technical inquiry. Nor can financial conditions in the post-war period be forecast with anything like certainty. Nor again is it possible to consider here what arrangements might be made with the Indian States that would lie within or beside the borders of Pakistan and North-East India. But for the purpose of this Report it will suffice if a rough calculation can be made, covering all that part of the proposed Moslem States which now belongs to British India and based on the facts as they stood immediately before the war and on the broad probabilities of the situation after it is over.

It was explained in Chapter IV that the existing Provinces, with or without changes in their frontiers, would presumably be retained as administrative units under Partition, with the same or similar functions of government; and it will be assumed that Provincial finance would operate more or less as it has done in undivided India. All that seems necessary for present purposes is to consider what proportion of the revenue now obtained and the expenditure now borne at the Centre would be allotted under Partition to the Central Government of Pakistan. North-East India need not be treated in such detail.

The main heads of Central Revenue and Expenditure for 1938-9 and the share of such revenue and expenditure which would fall to Pakistan are shown in the tables on the next page. (The calculation on which the allotments are based are given in Appendix IV.<sup>1</sup>)

Defence expenditure in Pakistan has been omitted from the table and will be discussed presently. Without that substantial item it will be observed that Pakistan emerges from the calculation with a credit balance of about 2,97 lakhs<sup>2</sup> of rupees, or about £2.2 millions. Could that balance be increased by economies or by raising additional revenue or both? The first would not be easy. To economise on Direct Demands might do more harm than good. The cost of Debt Services, in which most of the expenditure on irrigation must be included, cannot be reduced. Savings on Civil Administration, primarily on salaries, might be effected, but probably not so easily in Pakistan as in some other parts of India, and a conservative reckoning would not put it at more than 10 per cent. A similar reduction of 10 per cent. might be possible on Civil Works (mainly roads). The chief Miscellaneous item is pensions, which are as irreducible as debt-charges. The contributions now made by the Centre to Sind (1,05 lakhs) and to the North-West Frontier Province (1,00 lakhs) might be cut by the Pakistan Government, but such action would immediately lower the level of the social

<sup>1</sup> P. 189 below.    <sup>2</sup> One lakh = 100,000 rupees = £7,500. One crore = 100 lakhs.

services in those backward Provinces and would be a highly unpopular move for a newly constituted Government to make. A cautious estimate of all practicable economies might be round about 37 lakhs (£277,500), reducing expenditure to 6,02 lakhs (£4.5 millions).

*Revenue (thousands of rupees)*

	Centre 1938-9	Pakistan
Customs . . . . .	40,50,53	4,48,06
Excise . . . . .	8,65,73	1,00,92
Corporation tax . . . . .	2,03,72	15,28
Other income taxes . . . . .	13,74,44	1,21,10
Salt . . . . .	8,12,04	76,65
Opium . . . . .	50,89	—
Railways <sup>1</sup> . . . . .	1,37,32	1,50,00 <sup>2</sup>
Posts and Telegraphs . . . . .	18,98	2,37
Currency and Mint . . . . .	22,42	2,80
Other heads <sup>3</sup> . . . . .	1,03,20	18,87
	76,39,27 (= about £57 millions)	9,36,05 (= about £7 millions)

<sup>1</sup> Receipts less expenditure on 'commercial' railways only. 'Strategic' railways are a matter for the Defence budget.

<sup>2</sup> Allow for increased revenue obtained by certain extra charges (not war surcharge) imposed in 1942. The actual profit on 'commercial' lines in Pakistan in 1938-9 was 1,28,00.

<sup>3</sup> Extraordinary revenue and certain minor items which are reduced to nil when set off against expenditure are omitted.

*Expenditure<sup>1</sup> (thousands of rupees)*

	Centre 1938-9	Pakistan
Direct Demands on Revenue <sup>2</sup> . . . . .	4,23,60	51,49
Irrigation <sup>3</sup> . . . . .	9,24	7,02
Debt Services (less interest receipts) . . . . .	13,38,54	1,86,00
Civil Administration <sup>4</sup> . . . . .	9,84,69	1,45,56
Civil Works <sup>5</sup> . . . . .	2,19,58	10,83
Miscellaneous <sup>6</sup> . . . . .	2,04,32	33,13
Defence . . . . .	46,18,00	—
Contributions and adjustments <sup>7</sup> . . . . .	3,06,32	2,05,00
	81,04,19 (= about £60.7 millions)	6,39,03 (= about £4.7 millions)

<sup>1</sup> Expenditure on Railways, Posts and Telegraphs, Currency and Mint and some other items of ordinary revenue is not shown, since the figures in the preceding table are *net*, i.e., revenue less expenditure.

<sup>2</sup> Mainly the cost of collecting customs, excise and other taxes.

<sup>3</sup> Mainly interest charges on the cost of the Sukkur Barrage.

<sup>4</sup> Expenditure on the Central Government and legislature and the Crown Representative's department, on the High Commissioner and the India Office (for 'agency functions'), on all-India research departments, etc., on jails and convict settlements, etc., and for political purposes, mainly in the 'Tribal Areas' of the North-West Frontier Province and Baluchistan.

<sup>5</sup> Mostly roads.

<sup>6</sup> Mainly pensions, stationery and printing.

<sup>7</sup> Mainly grants-in-aid to the economically backward Provinces of Sind and the N.W.F. Province. See Part II, 329.

Raising more money by increased taxation would be no easier than saving it by economies. It may be assumed, perhaps, that at least some portion of the extra taxes imposed during the war would be retained, unpopular again though it would be. Suppose the taxes in force in 1938-9 were increased by 25 per cent. That would bring in 46 lakhs under income taxes (including corporation tax),<sup>1</sup> and 1,23 lakhs under customs, excise and salt duty (allowing for the yield on a 25 per cent. increase being only an additional 20 per cent. owing to the probability of diminishing returns). And there would be a new possibility of customs revenue. Apart from duties for the protection of such Pakistanian industries as might be established, revenue duties could be levied on goods entering from other parts of India. Only the roughest calculation is possible as to what the volume and value of such goods would be, but the yield of such 'inland customs' might be assessed perhaps, without undue optimism, at 1,50 lakhs.<sup>2</sup> By imposing increased freight charges at (say) 12½ per cent., profits on the commercial railways, allowing for higher post-war working expenses, might be increased by 1,13 lakhs. The profit on posts and telegraphs might perhaps be similarly increased by (say) 24 lakhs. These possibilities<sup>3</sup> of extra revenue add up to 4,56 lakhs. But it must be again remembered that all the suggested increases of taxation, direct and indirect, would be unwelcome to the taxpayers, and that the total figure must therefore be regarded as an outside figure. It would bring the revenue up to 13,92 lakhs (about £10.5 millions). The credit balance available to meet the cost of Defence would then be 7,90 lakhs (about £5.9 millions).

Defence is, of course, the crux of the financial problem; and in the realm of defence it is peculiarly difficult to speculate about the future. It is generally believed that, when the Axis Powers have been defeated and disarmed, the United Nations will succeed in establishing some system of collective security for maintaining peace and preventing aggression. How strong and coherent that system will be remains to be seen, but no one supposes that mankind will have reached a stage of civilisation in which peace can be regarded as unbreakable and the nations can safely turn their swords into ploughshares. Nor does the argument, mentioned on a previous page, that the north-west frontier of India will be more secure if a Moslem State occupies the south-east side of it seem incontestable. Moslem States have been known to fight each other, and a sense of Islamic solidarity is no more likely to induce the hungry Pathans to abandon their ancestral custom of

<sup>1</sup> Assuming the surcharge on income-tax to be for Federal purposes as under Section 138 (1), proviso, of the Government of India Act, 1935.

<sup>2</sup> When Burma negotiated a new commercial agreement with India in 1941, it was disclosed that she hoped to secure about ten million rupees from a tariff, generally at 10 per cent., on Indian goods. The population of Burma is now just under half that of the prospective Pakistan. The general standard of living is normally higher in Burma than in Pakistan, but Pakistan, though industrially backward as compared with India as a whole, is industrially advanced as compared with Burma.

<sup>3</sup> Only possibilities of the near future are here considered. Industrial development would ultimately raise the general taxable capacity of Pakistan, but owing to the initial capital cost this would take some time.

raiding the rich plains than to prevent the pursuit of the blood-feud among themselves. Nor is the frontier exposed to attack from Moslems only. It may be left to Axis propagandists to revive the old nineteenth-century 'Russian bogey', but it must be borne in mind that North-West India is barely separated from a great World Power. It will be assumed, therefore, for the purposes of the present discussion that, for some time after the war at any rate, the defence of India ought, if possible, to be maintained on something like the same scale as before the war. It will be suggested in Chapter XIII that the Government of a free India may wish Britain to continue for a period to assist in that task, and that a treaty might be concluded to that effect. But a united India would still be able to bear as great a share of the burden as is borne by Indian taxpayers now, and in course of time would be able to assume the whole of it. It would be otherwise on both counts with Pakistan; and British taxpayers can scarcely be asked to facilitate Partition by undertaking a heavier and more lasting charge than they would have to meet if India remained united. The problem, therefore, may be taken to be the problem of financing the defence of India from Indian resources to more or less the same extent as it was so financed in 1938-9.

The sum allotted to Defence in that year was 46,18 lakhs (about £34.6 millions). But the whole of that sum need not be debited to Pakistan. It is argued, in the first place, that the Indian Army would not have been so large or cost so much in the past if it had not been charged with the duty of maintaining internal security in the last resort. That is a controversial question, but, if it is assumed for present purposes that the argument is sound, allowance must be made for the fact that under the new *régime* the Indian Army will no longer be required to maintain security in the sense of repressing attempts to subvert British rule: and it will be suggested in Chapter X that for the preservation of law and order in a free India the police forces of the Provinces and States would suffice if they were enabled to act together. Secondly, the cost of an Indian Army, re-enlisted and remodelled for the service of Pakistan, might well be less than that of the Indian Army under its present British management. Nevertheless, when all allowances have been made, it seems plain that, in order to maintain anything like the pre-war scale of defence, the Pakistan Government would have to find a far greater sum of money than has been shown to be available.

Some exponents of Partition propound a simple solution of this problem. The situation, they say, will be much the same as before. Pakistan, it is true, will be the north-west frontier State, but its frontier will still be a frontier of all India. In the future, as in the past, an invasion of the Punjab would open the way to the conquest of the whole sub-continent. After Partition, therefore, as before it, the security of the North-West will be regarded as a common interest of the separated States. Their Governments will conclude a defensive alliance or, better still, they will establish a Confederacy of India which will devise, execute and jointly finance a single

policy in foreign affairs and defence.<sup>1</sup> But can such a harmonious outcome of Partition be taken for granted? Some Hindu statesmen hold that Partition ought not to be ruled out of discussion; but that does not mean, of course, that they want Partition to come about. The vast majority of educated Hindus, it is safe to say, are bitterly opposed to it. If they ultimately had to acquiesce in it, they would still resent it. And, that being so, it seems improbable that, in the early days of Partition at any rate, the relations between the Hindu and Moslem States would be cordial or that the former would be willing to help the latter to pay for the consequences of what they had done. They would be more likely to tell them that they cannot have their cake and eat it. In any case the separated States would have their separate forces; for it is inconceivable that the Hindus would pay the Moslems to defend them. Dr. Ambedkar, indeed, as has been seen, goes so far as to suggest that Partition would give Hindu India more security because it would enable her to have a wholly Hindu army; and the hard fact must be faced that, while Partition would be mainly brought about by the conviction that Hindus and Moslems cannot live at peace in one State, it would offer no guarantee whatever that they would be able to live at peace in two or more. If in the end Partition proves to be unavoidable, everyone will hope, but no one will be certain, that Hindu resentment at it will not harden into active enmity. There will be chances enough of friction. Without large-scale exchanges of population the claim that Partition would solve the minority problem cannot be sustained; and the fate of Europe shows that, if a minority problem can be difficult enough within one State, it is far more difficult when it is shared by neighbouring States. Nor, if Partition comes, is the old gulf likely to be narrowed by a common economic interest and policy. On the contrary, as has been seen, the effort which Pakistan would be bound to make to attain its economic independence could only be made at the cost of Hindu India. It could only develop its own industries by protecting its markets from the Hindus who have so long exploited them. If war is to be possible anywhere in the years ahead, if it is not effectively outlawed by a world-wide collective peace-system, it would clearly not be impossible in a partitioned India.

It appears, then, that the greatest difficulty of Pakistan and its gravest risk lie in Defence. If the probabilities discussed above are really probable, it would have to face the prospect of defending the north-west frontier without the help of Hindu India; and to do that on anything like the same scale as it was done before the war, even without considering the increased cost of modern armament, would be far beyond its powers. Even to raise a substantial fraction of the money needed would require such extra taxation on the one hand and such drastic cutting down of administrative costs and social services on the other as would greatly lower the general standard of

<sup>1</sup> The distinction between a Confederacy and a Federation is sometimes overlooked. A Confederacy, of course, is a league of independent States (*Staatenbund*) whose Governments co-operate in the execution of an agreed common policy. A Federation is a single State (*Bundesstaat*) whose Government controls, to a greater or less extent, the common affairs of the federated units.

living and not only render the backward masses of the people still more backward but doom them to that state for years to come. And that might not be all. Might there not be some anxiety as to the safety of Pakistan's eastern frontier too?

In the earlier part of this chapter an attempt was made to state the advantages of Partition as objectively as possible, and the examination of its disadvantages must be no less objective. What, then, is the conclusion to which the facts or the reasonable probabilities point in this crucial matter of Defence? Is it not clear beyond dispute that Pakistan would not be able to maintain the security it has hitherto enjoyed as part of India? Even the minimum necessities of defence would strain its resources to the utmost and hold up the social advancement of its people. For the rest it would have to take the risk.<sup>1</sup>

## 5

The financial prospects of North-East India are more speculative than those of Pakistan if only because its boundaries are more uncertain. Everything depends on whether or not it includes the great commercial and industrial area of Calcutta, and it was argued earlier in this chapter that its inclusion must be regarded as a doubtful proposition. No one at any rate can take the answer to that question for granted, and, until it is answered, it is not worth while to examine the financial possibilities of North-East India in any detail. For the purposes of this Report it must suffice to draw attention to one or two main points.

(1) Bengal as it is now, with 20 per cent. of the population of British India, possesses (on the basis of the average number of workers employed in factories) 33 per cent. of its industry. In Eastern Bengal, without Calcutta, the percentage of British-Indian industry falls to 2.7. Assam has valuable tea-gardens and one of India's two sources of petroleum, but virtually no industrial development. Thus, while North-East India including Calcutta could constitute an effective partnership with Pakistan with a balanced economy, North-East India without Calcutta would be an almost wholly agrarian appendage, served by the one minor port of Chittagong.

(2) If Calcutta were given an autonomous status, it would doubtless be arranged that the customs-duties on goods imported *en route* to North-East India or the Hindu State would be credited to the State to which the goods were consigned; and, if Calcutta were included in North-East India, a similar arrangement would presumably be made, since otherwise it would

<sup>1</sup> In a speech in the Punjab Legislative Assembly on March 11, 1941 (*Official Report*, vol. xvi. no. 8, p. 358), Sir Sikander Hyat Khan said: 'We are the natural custodians of India and have proved our worth on the battlefields at home and abroad and have thus acquired the proud distinction and title of being known "the sword-arm of India" (*cheers*). But that does not mean that we can on that account afford to cut adrift from the rest of India and still hope that we will be able to defend our Province and our neighbours against organised aggression from outside. . . . We want independence and freedom like everyone else, but we cannot become independent merely by declaring that we are free because we have our own army. Who will pay for that army? I am quite clear in my mind that we cannot afford it. . . . Unless we have strong, efficient and up-to-date defence forces our independence will not be worth a day's life; let us make no mistake about it.'

be open to the Hindu State to import its goods through a Hindu port such as Bombay. In either case the share of North-East India would be relatively small: for the bulk of the goods would continue to go, as they go now, not eastwards, but westwards, to Western Bengal, Orissa, Bihar, and the eastern areas of the Central and United Provinces. Nor, if Calcutta were included in North-East India, would its prosperity as the business-centre of a great and predominantly Hindu *hinterland* be unaffected. Customs-barriers inevitably restrict freedom of trade, and it seems not improbable that some Hindu firms would evade the barrier and also perhaps the difficulties of double income tax by shifting their quarters to the Hindu State.

(3) The cultivation of jute has long been and is likely to remain one of the mainstays of Bengal's revenue. Under the Act of 1935 and the Niemeyer Award the export-duty on jute is at present appropriated by the Central Government, which distributes 62½ per cent. of it to those Provinces in which jute is grown.<sup>1</sup> In 1938-9 Bengal's share was 1,30 lakhs (£975,000). North-East India, including Calcutta, would presumably levy its own duty and take the whole of its yield. Most of the jute is grown in Eastern Bengal, and North-East India, without Calcutta, would be able to levy duty on raw jute exported from Chittagong, but its diversion thither from Calcutta with the existing system of communications would not be easy. Moreover, three-fifths of the duty in 1938-9 were levied on jute manufactures, and this industry is located in Calcutta. For North-East India to levy export-duty on raw jute crossing the frontier to Calcutta would be dangerous for two reasons. First, the Hindu State would probably levy an export-duty on its jute manufactures and, since the price in the world-market would have to compete with that of substitutes, this second charge would inevitably reduce the cultivators' profits almost, if not quite, to nil. Secondly, a duty on raw jute at the frontier would be a direct invitation to the Hindu State to extend its own area of jute cultivation and so threaten North-East India with the loss of its nearest and largest market.

(4) The present war has shown how serious the problem of defending India on the North-East may become. The new State, like Pakistan, would be open to attack on two sides, and, though it seems unlikely that the hillmen of the Chinese and Burman frontiers would prove as dangerous in peace time as the Pathans, the resources of North-East India by itself, even if it included Calcutta, would be strained, though not so severely as those of Pakistan, in order to safeguard its frontiers against the possibility of war. Without Calcutta, North-East India would be desperately weak; and in the light of what has been said above it could scarcely expect much help from Pakistan.

It may be said, then, to sum up, that, since it cannot be assumed that the Hindu States would share with the Moslem States in a joint defence of all India or even that their mutual relations would be friendly, both Pakistan and North-East India, while able to support themselves from their own

<sup>1</sup> See Part II, 328-9.



resources for other purposes, would find it impossible to maintain the security they enjoy at present and could only provide the minimum needs of defence by a fall in their standard of living and a sacrifice of social advancement.

## 6

Material considerations, however, are not always the decisive factor in national policy; and, when once the spirit of nationalism is deeply stirred, when the mind of a people is obsessed with the single idea of obtaining its complete freedom, no price may seem too high to pay for it. To escape from a situation which wounds one's pride or awakens one's fear, or even to get rid of an association which is no more than irksome and uncomfortable, by the simple process of drawing apart and keeping to oneself is a deep-rooted human instinct; and nations, like individuals, may be tempted to yield to it without looking ahead or counting the cost. Nothing else matters, they may say, if only we are free. History provides many illustrations of such an attitude of mind. The reciprocal advantages of a union between England and Scotland were manifest long before it was achieved: it would plainly make England safer and Scotland richer: yet it proved a most difficult task to bring the two nations together. On the morrow of the Napoleonic War the statesmen of Europe united Holland and Belgium in a single State in order to give it more security than the two countries could possess apart against the possibility of France some day renewing Napoleon's attempt to dominate the Continent. Belgium was the weaker partner, and the economic advantage she obtained from the union by the opening it afforded her into the Dutch field of overseas trade was similar to that which Scotland had obtained by her union with England. But the issue was not determined by considerations of safety or prosperity. Belgian nationalism, intensified by the fact that Belgians were Catholics and Dutchmen Protestants, could not tolerate a Dutch political ascendancy: the unpopularity and unwisdom of the Dutch king widened the breach; and in 1831 the union was dissolved and a poorer Belgium obtained a weaker safeguard for her freedom in the Great Powers' guarantee of her independence and neutrality. Norway, similarly, would have been more secure if her people had not insisted in 1905 in breaking away from the union which had linked her foreign policy with that of Sweden under a joint crown since 1814. And the same lesson can be drawn from the recent history of Central Europe. The settlement of 1919 was a sacrifice of economics to politics. The wider strategic considerations also went by the board. Only national independence mattered. The economic results, as everyone knows, were calamitous, and in the end national independence itself was lost and the hopes of its recovery committed to the hazards and agonies of war. A last illustration may be taken from a quarter nearer to India, from Asia and from Moslem Asia. The fact that Jewish immigration into Palestine had proved to be economically profitable to the Palestinian Arabs did not

allay the latter's alarm at the prospect of the Jews becoming within measurable time a majority in the country. To quote the Report of the Palestine Royal Commission of 1937:

On the balance the [Jewish] National Home has meant a substantial material gain to them [the Arabs]. Not unnaturally they deny it. But, even if they could be persuaded to admit it, we are quite convinced it would not appreciably weaken their antagonism. Their feeling in the matter has been put in some such figurative language as this. 'You say we are better off: you say my house has been enriched by the strangers who have entered it. But it is *my* house, and I did not invite the strangers in or ask them to enrich it, and I do not care how poor or bare it is if only I am master in it.'<sup>1</sup>

The moral for India is plain. If the calculations made in this chapter are sound, Partition means that the Moslem State or States would be relatively weak and poor. But it cannot be taken for granted that its Moslem champions will abandon it on that account. Unless, indeed, some settlement can be achieved which satisfies the intense nationalist feeling awakened in them by recent events, unless the complex of pride and fear can be resolved, unless some means can be found which, without destroying the unity of India, recognises the Moslem claim to a separate nationality and eliminates the prospect of subjection to a Hindu Raj, then it seems likely enough that political ambitions will once again ride roughshod over all material considerations. Will not Moslem patriots say what those Arabs said: 'What does it matter how weak and poor our homelands are if only we are masters in them?'

<sup>1</sup> Cmd. 5479, p. 131.

## CHAPTER IX

### THE CASE FOR A UNITED INDIA

#### 1

THAT the Moslems would have to pay a high price for Partition is not, of course, the only argument against it. There are other reasons, wider and more positive reasons, why all the Indian communities should desire to co-operate in preserving the political and economic unity of India if only means can be devised for their doing so on just and honourable terms. Nor should it be overlooked that it is a question of preserving, not of obtaining, that unity. Apart from small adjustments of the frontier, the whole of India became a single State when the Punjab was brought under British rule in 1848—a State of dual structure combining British Provinces and Indian Principalities, but still a single State under the ultimate control of a single Government. Thus the partition of India would not be comparable with what would have occurred if the American States had failed to federate in 1787, but rather with what would have occurred if the Southern States had won the Civil War and split the American Commonwealth in two. Partition is destructive, not constructive, and such merits as may be claimed for it must be weighed against the value of that which it would destroy.

That weighing process, indeed, is already at work in India. The demand for Partition has sharply and suddenly compelled all educated Indians to consider what the unity of India means. Before 1940 they had become so accustomed to it that they did not trouble to appraise it: they took it for granted. Nor, despite the steady growth of communal antagonism, were they afraid of losing it. Less than five years ago the notion of Partition was regarded by Moslem statesmen as chimerical.<sup>1</sup> 'In India to-day', Pandit Nehru informed his American readers as late as 1938, 'no one . . . thinks in terms other than those of national unity. . . . It is difficult to conceive of any separatist tendency which can break up this unity.'<sup>2</sup> It was natural to undervalue something that was so familiar and seemed so safe; and this attitude of mind was confirmed among the rising generation by the reaction of nationalist doctrine to the British claim to have benefited India by uniting it. They were taught that the life of India was in all ways better before the British forced it into their hard imperial mould or, alternatively, that the unification of India was a natural process, with the inevitable development of which the advent of the British Raj merely happened to coincide.<sup>3</sup> Such argumentation sounds academic now. The unity of India is certainly natural, but, just as historians have long been aware that there was nothing inevitable about its attainment in the past,

<sup>1</sup> Part II, 199-200.

<sup>2</sup> *Ibid.*, 101.

<sup>3</sup> *Ibid.*

so everybody can see to-day that there is nothing inevitable about its preservation in the future.

The political and economic unity of India is natural because it is the natural response to its geography. The familiar contrast with Europe is as instructive on this point as it is on several others. For, whereas the physical configuration of Europe—its long indented coast-line, its peninsulas and inland seas and islands, its mountain ranges—has fostered the growth of separate nations and their seclusion from one other in separate States, geography seems to have marked out India, though not much smaller than Europe, to become in due course a single political and economic unit. On two sides it has set the sea and on the third the greatest mountain-barrier in the world; and, while it has thus cut the peoples of India off from other peoples, it has not cut them off from one another. The only large island, apart from Ceylon, is Cutch, the only large peninsula is Kathiawar. Elsewhere the long seaboard is singularly unbroken. And across the land there is only one substantial natural frontier, the Vindhya Mountains and their offshoots, which, though nowhere of any great height, interpose between the northern plains and the Deccan a stretch of rugged, rocky, inhospitable ground. In old days this was a sufficient obstacle to make it difficult for the masters of the North to extend their conquests southwards, but the Moguls crossed it, and the Marathas also from the other side, and for the British it soon ceased to be an obstacle at all. Mere distance in fact, not any natural frontier, was the chief impediment to the expansion of the British 'Raj' all over India, and, long before the coming of the aeroplane, distance had been conquered by the railway, the telegraph, the telephone and the all-weather road. No soldier or administrator nowadays would say that the physical character of India makes it hard to hold or govern it.

The comparative ease and speed with which India was unified by the strength and science of a Western Power may have obscured to some extent the magnitude of the change it brought about in India's life. Even under the greatest of the Moguls the subjection of India to one government had never been so close or so complete, and with the collapse of the Mogul Empire India reverted to a political fragmentation which, though more erratic and unstable, was not otherwise very different from that of Europe. When British rule was expanding over India, Madras had no more in common with the Punjab, Bengal no more with Bombay, than Germany had with Spain, or Italy with Poland, when Napoleon dominated Europe. As late as 1877 John Bright contemplated the 'nations' of India drawing together under British rule into a group of States which would be able to stand by themselves when British rule was finally withdrawn. 'You would have five or six great States there, as you have five or six great States in Europe.'<sup>1</sup> But in the course of another generation so profound was the effect of the British Raj that even those who realised the diversity of India had ceased to think of it as comparable with Europe. By the

<sup>1</sup> Part I, 50-1.

end of the nineteenth century India had come to mean more than the name of a sub-continent. The differences of race and language were still there. The communal divisions still cut deep—how deep we know today. Yet educated Indians, whatever their race or creed, had acquired a consciousness, such as they had never had before, that they were all of them Indians. One supreme government, the adoption of English as the *lingua franca* of the intelligentsia, the ease with which it was now possible to visit or correspond with any part of India, the growth of higher education and of common interest and collaboration in scientific and literary research, the spread of commerce and industry over a vast free-trade area, the linking of production in one part of the country with markets in another, the relief of famine by inter-Provincial co-operation—all these major factors were welding India together, aided by the forging of innumerable minor social and economic links and the making of innumerable personal contacts and relationships. No one can travel through India today without becoming aware of the extent to which it has acquired a common life, a common society, in which its educated elements are freely commingled. He may share his carriage in the train with a Bombay merchant who has been visiting a branch of his business at Lahore, a lawyer from Bengal with a brief at Nagpur, a Madras scientist attending an academic conference at Calcutta, a Punjabi officer going to join his regiment at Bangalore. Such countless common social, economic and intellectual activities were enough in themselves to create a sense of community; and, when with the beginning of self-government Indians began to share in common political activities also, that sense of community was inevitably coloured by the idea or the ideal of nationhood. Thus the unifying process was accelerated by the growth of nationalism; and, though nationalism itself, because its objective was the government of India by Indians, was bound sooner or later to precipitate a conflict between the forces in Indian life that made for unity and those that made for disruption, the unifying forces, at any rate up to 1937, had kept the upper hand. In 1937 it was still taken for granted that the free national status now coming into view could only be attained by one united nation. So far had the India of Bright's day been transformed. If Indian society was not yet national, it had ceased to be merely continental. If India was not and never could be comparable with relatively homogeneous European countries like Germany or France, she was no longer comparable with Europe.

## 2

Was it also realised that India had escaped the fate of Europe? Since 1848 Europe has been stricken by upwards of ten wars;<sup>1</sup> and the intervals of peace have been haunted by the fear that they could not last for long.

<sup>1</sup> Apart from the five 'German wars', there have been wars in the Crimea (1854), in the Balkans (1876-8, 1879, 1912-13, 1914), between Italy and Turkey (1911) and between Russia and Poland (1920), as well as the wars of Italian liberation and the civil wars in Russia and Spain.

Social progress, the possibilities of which had been enlarged by modern science far beyond the dreams of any previous age, was greatly impeded by the cost of preparing for war and brought to a stop, if not reversed, by the coming of it. From that terrible experience India has been saved. She has been brought, it is true, within the scope of the two last wars, the world wars, but she would have been far more deeply involved and would have had to endure far greater sacrifices if the wars had not been fought mainly in Europe and between European peoples, but in India and between Indian peoples. By such internal wars India had been rent and devastated from time to time throughout her long history before the British came. It was only the unification of India under British rule that ended them. There has been none since the challenge to British rule was overcome in 1858.

It is the same in the economic field. It is true that the cost of defence against danger from without has weighed heavily on India, but its weight would have been far greater (as has been intimated in the preceding chapter) if India had been divided, like Europe, into several States, compelled to set up their defences not only against the outer world but also against each other. It is true, likewise, that, until India obtained fiscal autonomy, her industrial development was checked by the competition of foreign goods imported from outside. But that handicap was nothing to what the whole economic life of India would have suffered if, like Europe, her territory had been criss-crossed by the fiscal frontiers of jealously competing and potentially hostile States. Several of the Indian principalities have maintained customs-barriers, but, while Europe has paid the disastrous price of economic nationalism, British India has preserved free trade between all parts of a region about half the size of Europe. United, India has been able to maintain a profitable balance between areas of different economic character.<sup>1</sup> Raw materials have been produced in one, manufactured in another, and the finished goods marketed in all, without having to cross and to pay for crossing a single customs-barrier. Between the independent States of a disunited India, unable to dispense with revenue from customs-duties or forced into protection by industrial competition with each other, such barriers would inevitably have been built up with inevitable injury to the economic welfare of India as a whole.

The reasons why the Moslems want Partition are obvious and no impartial student of Indian politics can fail to understand them. But it seems doubtful whether it has yet been fully realised that Partition would throw India back to something like the state she was in after the Mogul Empire had collapsed and before the British Raj replaced it. For, once the frame of unity were broken, once the process of disruption had begun, it would not be likely to stop at the separation of a Moslem State or States from Hindu India. Already the leader of the anti-Brahmin Justice Party in Madras has backed the Moslem claim for Pakistan, and demanded an

<sup>1</sup> A map of India showing the distribution of its chief products and industries will be found at the end of the book.

independent Dravidian State in Southern India.<sup>1</sup> And the drift towards fragmentation might well go further. Once the principle of national or *quasi*-national self-determination were put into operation, would the Marathas or the Rajputs wish to be merged in a single Hindustan? And would the Princes, with the Nizam of Hyderabad at their head, waive their right to a share in the distribution of independence? Those are the sort of considerations which have led Indian statesmen—Mr. Gandhi in the forefront—to talk of impending civil war and anarchy. And, though Mr. Gandhi on occasion has given it a strange and irresponsible twist, such talk is serious enough in itself. Many Indians may think it inconceivable that after so long a period of peaceful progress India could relapse into the bloodshed and barbarism of a half-forgotten past: but that is what most civilised Europeans thought about Europe a few years ago.

It is, indeed, ironical that Indian separatists should be seeking to tread the road that Europe has trodden at the very moment when the end to which it has brought Europe and might so easily bring India is plain for all to see. In 1919, in reaction against the German and Magyar doctrine of national ascendancy, the central zone of Europe from the Baltic to the Aegean was committed to the counter-doctrine of sovereign national independence. It proved a precarious doctrine in politics and quite impracticable in economics; for it made it impossible to establish an effective system of collective security or economic co-operation. All thoughtful Europeans are now aware that the principle of unrestricted or at least of unco-ordinated national sovereignty is dead and that without the widest practicable measure of inter-European combination the chances of the new post-war Europe will be little brighter in the long run than were those of the old. Yet India is now threatened with a repetition of the same sombre story as if it had never been told. As Moslems see it, the Congress doctrine of majority rule is at root the same as 'Prussianism'. It is the doctrine of national ascendancy, the creed of a *Herrenvolk* of caste-Hindus. And, naturally enough, the reaction to it is like the reaction of 1919 in Europe. The Moslems not only declare that union is impossible: they make a virtue of disruption. They exalt the principle of national separatism when the tragedy of Europe has just exploded it; and, strangest thing of all, they appeal to the history of Europe to prove that they are right. In his presidential address at the 'Pakistan Session' of the Moslem League in 1940, Mr. Jinnah dwelt on the danger of trying to combine two nations in one State and cited the example of the British Isles, Czechoslovakia and Poland.

History has also shown us [he went on] many geographical tracts, much smaller than the sub-continent of India, which otherwise might have been called one country but which have been divided into as many States as there are nations inhabiting them. The Balkan peninsula comprises as many as seven or eight sovereign States.<sup>2</sup>

<sup>1</sup> *Sunday Observer*, Madras, April 28, 1940.

<sup>2</sup> *India's Problem of her Future Constitution*, 13.

It would almost seem as if the 'Balkanisation' of India were to be regarded as in itself desirable despite the fact that the fragmentation of the Balkans has been the 'running sore' of European politics for a century past. It has been a standing invitation to external Powers—Russia on one side, Austria with Germany behind her on the other—to intrigue and stir up strife in order to promote their own *Realpolitik*. The appeal to the Balkan example overlooks, moreover, the existence of those minorities of a different nationality in the national States which create in the Balkans, as they would create in a partitioned India, the dangerous problem of an *irredenta*. That particular aspect of Partition has not been ignored in Moslem League circles; it seems actually to have been welcomed. Mr. Jinnah, it will be remembered, once likened the Moslem minority in the existing undivided India to the Sudeten in Czechoslovakia. The Moslems of the Middle East, he implied, corresponded to the German *Reich*. A new and even more sinister version of this analogy is now said to be current in the United Provinces. The Sudeten are the Moslems in the future Hindu State: the *Reich* is Pakistan.

Too much weight must not be given to the incidental utterances of men who are pleading a cause and may be speaking in hot blood. No Moslem statesman can really ignore the fate of Europe, nor desire, on principle and without the compulsion of necessity, that India should throw away even that minimum of unity which Europe so manifestly needs. Yet the extremist tone of much that is said and written by champions of Partition is not without significance. It shows to what lengths of thought and speech the spirit of nationalism can be driven by a passion to escape from a domination it dreads and hates. And only wishful thinkers can suppose that there is nothing but sound and fury in it. Moslem nationalists, it seems safe to say, will not only talk, they will act, and India's unity will be veritably disrupted, unless that compelling necessity can somehow be removed. Is that impossible? Mr. Jinnah claims to be a realist. The gulf between Moslems and Hindus in India, he may say, is in fact as wide as the gulf between Serbs and Bulgars: India is in fact another Balkans: the reality has merely been disguised, it has not been done away with, by the artificial framework of the British Raj. But is that certain? Might not such realism be better described as fatalism? And in any case the existing fragmentation of the Balkans is not regarded by all Balkan statesmen as a permanent necessity. For some time past the possibilities of federation have been under consideration.

There is another point on which the ideology of Partition seems out of date. The nationalism it preaches is based on religion. It is because they are Moslems that the Moslems of India are entitled to political independence. It is because they are Moslems that the trend of their future international associations should be turned away from India and towards the



Middle East. Such ideas are the natural outcome of the old Islamic philosophy of life in which Church and State were indivisible. Not long ago they were a commonplace of the Moslem world. But one of the most remarkable results of the war of 1914-18 was the change it brought about in Moslem political thought. For the new tide of nationalism which it set running through all the Moslem countries from Morocco to Afghanistan was not dominated by religious fanaticism. If it was directed against Christian Governments, it was not primarily associated with the notion of a 'holy war'. How far the Moslems in their desire to be free from European domination had adopted the European conception of the national State was finally demonstrated by events in Turkey. The dramatic recovery of the Turks from the disasters and humiliations of the war was followed by the fall of the Ottoman Sultanate, the abolition of the Ottoman Caliphate, and the complete secularisation of the Turkish State. Thus political pan-Islamism was deprived at a stroke of its main foundations. In other Moslem countries—in Egypt, Persia, Iraq, Syria—nationalism, though nowhere so secularist as in Turkey, assumed a similar Western complexion. Observers in the West began to ask if the words 'Islamic World' had not lost their political meaning, if the rôle of Islam in Moslem countries was not destined sooner or later to be assimilated to that of the Churches in Christian countries.

Indian Moslems can scarcely have forgotten the reaction of those developments on Indian politics. The Caliphate Movement, in which the left-wing Moslems combined with Mr. Gandhi and the Congress against the British Government, was completely exploded by the abolition of the Caliphate.<sup>1</sup> Yet in inverting the dictum of *Cujus regio, ejus religio*, in looking forward to creating a political nexus between Pakistan and the Moslem countries of the Middle East, still more in extending the idea of a consolidated Moslem zone to embrace the Dutch East Indies, are not the Partitionists inviting a repetition of what happened twenty years ago? If pan-Islamism was dead then, can it be resuscitated now? Can the philosophy of the Caliphate Movement be revived without a Caliph? Are Moslems at Ankara or Cairo or Bagdad likely to feel that their political interests are closely linked with the prospects of Pakistan? The members of the Turkish Press Mission which visited India early in 1948 were reported to have shown 'scant interest in or sympathy with the pan-Islamic aspirations of the Indian Moslem League, thinking these to be anachronistic'.<sup>2</sup>

## 4

It is not only in the claims and the character of its nationalism that the doctrines of Partition seem reactionary. The cause of international unity in the world at large is necessarily linked with the cause of democracy—necessarily because without a sufficient measure of international unity it is

<sup>1</sup> Part I, 78.

<sup>2</sup> *The Times*, Feb. 6, 1948.

difficult under modern conditions for any nation to maintain a democratic system. The greatest enemy of civic freedom is insecurity. How the growth of liberty in England was fostered by her insular safety, how absolutism flourished on the Continent for the opposite reason, how Prussian militarism was the natural offspring of the open plains of Central Europe—all that is a familiar story of the past, and present experience has underlined its lesson for the future. Modern warfare is so 'total', so elaborate and so costly, that, unless some effective means can be devised for preventing its frequent recurrence, the free civilisation which goes by the name of democracy is evidently doomed. Too much time and money and wealth will have to be given to preparations for defence, and too little to the solving of social problems, the raising of the standard of living, the extension of social services, especially of education—to those things, in short, without which democracy can never come into its own. Nor will it only be impossible to realise its ideals. The ideals themselves will wither in the perpetual shadow of war. Given time, democracies can organise for war and fight it through at least as well as military dictatorships. But in modern war, as the world nearly learned to its cost in 1940, time may not always be given; and it is obvious enough that those temporary sacrifices of freedom which war forces on democracies are likely to become permanent unless some security can be provided against its constant repetition. Militarism, not democracy, is the natural costume of a war-ridden world.

That is plain enough to the free peoples of the Western world to-day. Is it so plain in India? Is it realised that to press too far the claims of nationalism is to darken the prospects of democracy? Insecurity in the West means that democracy may die. Insecurity in India means that it may never come to life. A vast amount needs to be done before Indian society can be called democratic in the same sense as the free societies of the West. A great effort must be made to increase the productive capacity of the country and to improve the livelihood of its innumerable poor. Huge sums must be spent on health and education. A United India, with such internal security as only union in some form can provide, could hope to make at least some progress in achieving those essential tasks, in bringing about the social conditions in which alone democracy can thrive. For a disunited India would it be even possible? The loss of security involved in Partition would be at least as serious as that involved in a breakdown of international co-operation in the West, and the burden of armaments which it would impose on the independent States would be relatively heavier. In the Moslem State or States, at any rate, as has been seen—and the probability that Partition would also involve the fragmentation of Hindu India has been pointed out—there would be small chance of raising the standard of living or even of maintaining the social services at their present level. And would not the ideals of democracy, relatively such young and shallow-rooted plants in India, be even less likely than in Europe to survive the rigours of a military régime? Would the Princes, for example, be tempted

to yield more power to their peoples? On the contrary, might not their autocracy become a model for other parts of India?

## 5

One last argument remains to be pleaded in defence of India's unity, and to some minds it may seem the strongest. The enfranchisement of India will not resolve or will only partially resolve the psychological complex which has affected most educated Indians for a generation past, if freedom is coupled with disruption.

The primary cause of the unrest and discontent among the Indian intelligentsia has long been diagnosed. It is their sense of humiliation and resentment at the subjection of their great and ancient country to alien rule, at the inferior footing it was thus compelled to occupy beside other countries, at the denial of its natural right to equality. 'It is a great deal more than a personal feeling', said the authors of the Simon Report in 1930; 'it is the claim of the East for due recognition of status.'<sup>1</sup> But there is still more in it than that. A constitutional settlement, whether it be based on Union or Partition, would free all India from British control. The Draft Declaration of 1942 offered to non-adhering Provinces the same Dominion status as it offered to an Indian Union. Whether as one State, therefore, or as a group of States, the people of India would obtain their independence and with it an equal status with that of any other people in the world. But status is not everything. Equality before the law is only one kind of equality. And that psychological complex, that sense of degradation, cannot wholly be removed from Indian minds by freedom. Indians must also be given the opportunity through their freedom to redeem their past. If India could recover the position she once held in the world, if she could become again a great Asiatic Power, not only taking the lead in political and economic strength but setting new standards of social life and culture, then indeed the memories of her period of subjection might fade out, and her historians might ultimately come to regard the era of British rule in the same sort of light as British historians regard the era of the Norman Conquest.

Such a prospect is by no means fanciful. A United States of India might reasonably expect to take rank in years to come among the great political units of the world. If greatness is still to be judged in the last resort by military power, she has the potential strength and wealth required to achieve it. Geography has given her a safer strategic position than any other country of comparable size. Her soldiers have proved themselves second to none. Her natural resources would enable her to attain at need a high degree of economic self-sufficiency. She possesses an inexhaustible labour force, and her industrial output for the purposes of the present war shows how easily she could develop an 'industrial

<sup>1</sup> Part I, 112.

potential' capable of arming her own forces with modern weapons. Even in her present relatively backward state, the strategic and military strength of India would enable her to play a leading part in building the new order of the post-war age. And if, in a freer, more coherent, more co-operative world, India could turn her great resources to the needs of social progress and the arts of peace, she would bid fair to regain the place she occupied in the history of civilisation in the days of Asoka or of Akbar, a place worthy of the ancient homeland of more than one-sixth of mankind.

But all that is such stuff as dreams are made on if the Indian homeland is fated to be split up into several independent 'national homes'. India cannot be 'Balkanised' without reducing its component 'nations' to the Balkan level. The severance of the Moslem areas alone would gravely impair the strength and wealth of what was left, and reasons have been given for supposing that the residual Hindu India would not remain united. In such a disrupted India the Indians could never achieve their natural destiny. Their States would rank not with the Great Powers of the world but with Egypt or Iraq, with Burma or Siam.

## CHAPTER X

### REGIONALISM

#### 1

THE question must now be faced—Is a Hindu-Moslem agreement for preserving the unity of India possible?

Plainly it is not possible if the Hindu and Moslem leaders continue to hold their present positions, if the Hindus insist on a Hindu Raj and the Moslems insist on disrupting India. Plainly it is only possible if, when the issue can no longer be postponed and the statesmen on each side are confronted with a choice which will determine the destiny of India, they can bring themselves, in the common interests of the whole vast country, to acquiesce on the one hand in something less than the 'logic of democracy' and on the other hand in something less than sheer Partition.

In other words each side must admit the strength of the other side's case. The Moslems must recognise—as surely indeed they already do—that, if they could agree with the Hindus as to how it should be done, it would be better for them both to preserve the unity of India than to destroy it. And the Hindus must recognise—and that may prove more difficult—the Moslem claim to nationhood and national self-determination.

It is in this question of nationhood that the crux of the whole matter lies, and it is essential to realise at the outset that it is two questions, not one. There is first the question of what a nation is, and secondly the question of its rights.

The first question can be quickly dealt with. Theoretical disputation as to whether the Indian Moslems are or are not a nation would be waste of time. Volumes have been written about the meaning of the word. Various tests of nationhood have been laid down—race, language, religion, homeland, history—but none is of universal application. The only safe conclusion is pragmatical. If a people feels itself to be a nation, it is one. And that most Indian Moslems or, at any rate, their leaders now feel that they are a nation is not in doubt. Otherwise they must admit that they are only a community with all that that implies in politics.

The second question has already, it may be said, been answered. A nation's rights may be summed up in the right of self-determination; and, while that right, like all political rights, is not in theory an absolute right, it has in fact been conceded to the Moslem-majority Provinces by the Draft Declaration of 1942. That they can have Partition if they want it is clearly one of the 'broad principles' of the Declaration which constitute the 'settled policy' of the British Government.<sup>1</sup> And on that point it may be said in passing that the psychological truth of Sir Stafford Cripps'

remarks about the 'open door'<sup>1</sup> seems incontestable. Indeed, the course of Indian controversy had already shown that the surest way to inflame the desire for Partition is to rule it out of discussion.

But the question of a nation's rights is only half-answered by conceding the principle of self-determination. Self-determination only means that a nation may assert its rights: it does not define them. Thus a further question must be asked. What are those rights of nationhood which the Moslems wish to assert?

They can be simply summed up as follows. (1) The Indian Moslems, like other nations, must possess a national home which they can call their own. To that end the areas in which they are a majority must be consolidated into a separate State or States. (2) The State or States must be wholly independent.

Here again it is essential to observe that two questions are involved, not one. That distinction, indeed, strikes to the very root of the whole problem. For it cannot be maintained that a nation *must* be embodied in an independent State, that it cannot otherwise realise its nationhood. To argue so is to revert to the outworn philosophy of early nineteenth-century Europe and to ignore the doctrine of the multi-national State first preached in Acton's famous essay as long ago as 1862. And it is to contradict the facts of history. The Scots are undeniably a nation, so are the Welsh. The Swedes and Norwegians did not recover their nationhood when they dissolved their union: they had never lost it. The German, French and Italian Swiss, or the French-Canadians may be described as nationalities rather than as nations in the full sense of the word, but they possess a national tradition, a national way of life, and they adhere to it, as firmly as any independent nation, within their multi-national States.

Nor did the Moslem leaders always make this claim. The reaction against the prospect of a Hindu Raj may be said to have begun in 1937. It had nearly gone as far as it could go by the winter of 1939. Pakistan was already in the forefront of debate, though it was not yet quite certain what was meant by it. At the beginning of 1940 Mr. Jinnah wrote an article for a British periodical in which he expounded the 'two-nations' doctrine, explained that parliamentary government of the British type had been shown by the course of events in the Congress Provinces to be impracticable in India, and declared that the Moslems would never accept a federal constitution framed by Congress methods in accordance with the Congress maxim of majority rule. The article ended as follows:

To conclude, a constitution must be evolved that recognises that there are in India two nations, *who both must share the governance of their common motherland*. In evolving such a constitution the Muslims are ready to co-operate with the British Government, the Congress or any party, so that the present enmities may cease and India may take its place amongst the great countries of the world.<sup>2</sup>

<sup>1</sup> Part II, 276.

<sup>2</sup> *Time and Tide*, Jan. 19, 1940. Italics not in the original.

That was published on January 19, 1940. On March 23 the League at Lahore passed the 'Pakistan Resolution' asserting that the Moslem regions must constitute 'independent States', and authorising the Working Committee to frame a constitution, 'providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary'.<sup>1</sup> Now the plain meaning of that was Partition. It implied that the Moslem States would be completely independent. It thus conflicted with that sentence at the end of Mr. Jinnah's article. Or was another interpretation conceivable? Could it be argued that a nation could possess such powers of governance as those of defence and foreign policy and at the same time share them with another nation?

## 2

Since powers can only be shared by means of some joint mechanism, the possibility of 'sharing' brings a Centre of some sort back into the picture. But, if the Moslem case is to be met, it cannot be the sort of Centre which was contemplated at earlier stages of the constitutional debate and which was finally embodied in the Act of 1935. Most of the discussion on the question in India seems hitherto to have been unduly narrowed by preconceived ideas. Just as it was taken for granted that parliamentary government meant majority rule, so it has been assumed that an Indian federation must be more or less on the lines of the Act. It might be made more federal. The powers of the Centre might be restricted to a minimum. Residual powers might be vested in the Provinces. But what else, it has generally been asked, could be done? Few of the disputants seem to have realised that it was possible to conceive of a radically different kind of federation, not only different in the character of the units that composed it, but different also in the principles and the purpose of its *quasi*-federal institutions.

The second point of difference will be discussed in the next chapter. As regards the first point it is interesting to observe that the assumption that any federation must be a combination of the existing Provinces and States, with or without changes of frontier, has not been universal. Another idea has been in the field for several years. It was born and has grown up in the Punjab. In its latest form it might almost be called the 'Punjab Plan'.

The germ of it may be found in the late Sir Muhammad Iqbal's famous presidential address to the League Session in 1930.<sup>2</sup> He propounded, it will be remembered, what he called a 'territorial solution' of the Indian problem.

The creation of autonomous States based on unity of language, race, history, religion and identity of economic interests is the only possible way to secure a stable constitutional structure in India.

<sup>1</sup> Part II, 206-7.

<sup>2</sup> *Ibid.*, 198-9.

He was not advocating Partition. By autonomy he did not mean full independence. He was thinking primarily of Moslem consolidation. He wanted to unite the Punjab and its neighbours in 'a consolidated North-West Indian Moslem State'. To that extent he foreshadowed the Pakistanian programme for a Moslem nation firmly established in its national homeland. But he did not propose that the Moslem State should break away from the rest of India. It was to be one of several similarly constituted States which would be linked together in a loose all-India federation. Iqbal had communicated this idea two years earlier to the Nehru Committee,<sup>1</sup> but it had been rejected on the ground that the proposed Moslem State would be too big. In other words the members of the Committee were not prepared to extend the plan to other parts of India. As their Report showed, they were still thinking in the traditional terms of a 'strong Centre': they wanted the federation to be as unitary as possible: they did not want a group of new, big, powerful States interposed between the Centre and the Provinces.

Iqbal was a Punjabi, and his political philosophy may well have been more congenial to his fellow-Moslems in the Punjab than to the members of the Nehru Committee. At any rate his idea of a Centre based on larger units than the Provinces emerges, in a more limited or tentative form, from the discussions of the Punjab Provincial Committee which was appointed in 1928—the year of the Nehru Committee—to co-operate with the Simon Commission. The majority of the Committee, headed by its chairman, Captain Sikander Hyat Khan, agreed with the minority in desiring to retain the existing Provinces, nor did they propose the grouping of them in larger units of administration on the lines of 'Iqbal's States. But, in order to obtain a proper balance at the Centre between the different parts of India, they recommended that for the elections to the Central legislature—and for that purpose only—'India should be divided into five more or less equal units . . . each unit returning one hundred members to the Assembly and forty members to the upper house'. 'With a little care and labour', the Report went on, 'it should be possible to constitute more or less homogeneous units for this purpose.'<sup>2</sup>

Eleven years later the idea again appears in the Punjab, and now not only in its full scope but worked out in greater detail. Moderate Moslem opinion had not followed the young authors of Pakistan into the 'extremism' of Partition,<sup>3</sup> but had adhered to Iqbal's 'regional' doctrine as Iqbal had expounded it; and the leading exponent of that opinion was the ex-chairman of the Punjab Committee of 1928, now Sir Sikander Hyat Khan, no academic theorist, but a practical statesman whose Premiership of the Punjab from the spring of 1937 till his premature death at the end of 1942 was a clinching demonstration of Indian capacity for self-government. In

<sup>1</sup> Part I, 88; Part II, 198.

<sup>2</sup> *Indian Statutory Commission*, vol. iii, *Reports of the Committees, etc.*, Cmd. 3572, p. 434.

<sup>3</sup> Part II, 199-201.



a pamphlet circulated in 1939 Sir Sikander proposed that the Provinces and States should be grouped in seven Zones or Regions, and he suggested as a tentative plan for consideration by the various interests concerned that these seven Regions should be composed as follows.<sup>1</sup>

I. Assam + Bengal (minus one or two western districts in order to reduce the size of the 'Zone' with a view to approximate it to other 'Zones').

II. Bihar + Orissa (plus the area transferred from Bengal).

III. United Provinces + United Provinces States.

IV. Madras + Travancore + Madras States\* + Coorg.

V. Bombay + Hyderabad + Western India States + Bombay States + Mysore and Central Provinces States.

VI. Rajputana States (minus Bikaner and Jaisalmer) + Gwalior + Central India States + Bihar and Orissa States + Central Provinces and Berar.

VII. Punjab + Sind + North-West Frontier Province + Kashmir + Punjab States + Baluchistan + Bikaner and Jaisalmer.

Various other schemes of Regional grouping have been propounded. As to the dominantly Moslem areas they are all agreed: there should be two Moslem Regions, one in the North-West, one in the North-East. As to the dominantly Hindu areas, some base their division mainly on political expediency, others mainly on racial or linguistic differences. One writer, for example, allocates separate Regions to the States of Rajputana and Central India and to Hyderabad, Mysore and other Deccan States, and groups all the rest of Hindu India in one Region.<sup>2</sup> Another writer divides Hindu India into two roughly equal parts. A northern belt of Provinces and States curving from Gujerat through the Ganges plain to Orissa would constitute one Region, and all India south of the Vindhya mountains another.<sup>3</sup> Such a bisection of Hindu India, it is argued, accords with the broad ethnic, cultural and historical facts. The northern block is centred on the Hindustan of history, the home of Hinduism and the seat of most of its sacred shrines. South India was more sheltered from foreign intrusion in the old days of the invasions; and, though the vast majority of its population are Hindus, they are different from the Hindus of the North. They descend from an earlier pre-Aryan age of Indian history. They are mostly Dravidian in race and speak Dravidian tongues.

None of these Regional schemes contemplates the extinction of the existing major units of administration. The Regions are to be federal, not unitary. They would be groups of federated Provinces and States, whose individuality and local patriotism would not be overridden or submerged and

<sup>1</sup> *Outlines of a Scheme of Indian Federation*, 15.

<sup>2</sup> Including Cochin.

<sup>3</sup> Part II, 203.

<sup>4</sup> A. C. Balasundara Nayakar, *Sunday Observer*, Madras, April 7, 1940.

whose Governments would continue to control most of the affairs which they control at present. Thus the tentative list of Regional 'subjects' submitted by Sir Sikander Hyat Khan takes nothing from the list assigned to the Provinces under the Act of 1935; but he suggested that, at the request of two or more units of a Region, the Regional legislature might deal with 'subjects' on the Provincial list 'in order to secure uniformity and facility of administration' within the Region as a whole. Sir Sikander's Regional list takes several 'subjects' from the Federal (Central) list of 1935 such as broadcasting, the promotion of scientific research and of professional and technical training, internal customs, and the care of ancient monuments and archaeological sites. More important are the 'subjects' suggested for a new concurrent list, to be shared between the Regions and the Centre, such as criminal and civil law, the jurisdiction and powers of the courts, the professions, newspapers, books and printing, factories, labour welfare and trade unions, and the control of infectious diseases and pests. As regards these 'concurrent subjects' Sir Sikander proposed that the Central authority should be purely legislative and that Central legislation should be enacted only if at least four Regions requested it and should be applied only to those Regions which desired it.<sup>1</sup>

On the executive side, similarly, Sir Sikander did not propose to trespass on the existing authority of the Provincial Governments, but he pointed out that Regionalism would foster collaboration between the Regional units. 'In administrative matters, and particularly in matters pertaining to law and order, this scheme will encourage the various units in a Zone [Region] to make reciprocal arrangements and, when necessary, to devise a common line of action.'<sup>2</sup> This is a point of cardinal importance. Law and order, it is generally agreed, must remain a Provincial 'subject'; but the need for consultation and joint action in that field between Provincial Governments is no less obvious. It was one of the first lessons taught by the operation of the new Provincial constitution from 1937 onwards; it was plainly demonstrated at the conference of Home Ministers in 1939;<sup>3</sup> and it was underlined soon after by the outbreak of a revolt in Sind which was beyond the powers of the Provincial Government alone to cope with.<sup>4</sup> It will be argued in the next chapter that a general constitutional settlement requires the reduction of the Centre's powers to a minimum, and it would be desirable on that account that the Provinces should rely for help at need in maintaining internal security not, as at present, on the Centre, but on their Region.

The Regions would require their own executive and legislative organs. The same kind of considerations would apply to their structure and working and in particular to the provision made to meet the claims of communal minorities as those discussed in Chapters V to VII with regard to the Provincial constitutions. As to the composition of the legislatures Sir Sikander

<sup>1</sup> *Outlines of a Scheme of Indian Federation*, 26-35.

<sup>2</sup> *Ibid.*, 18.

<sup>3</sup> Part II, 186.

<sup>4</sup> *Ibid.*, 76-7.

suggested that at the outset the component units of a Region should be represented on the basis accorded to them for representation in the Federal Assembly under the Act of 1935.<sup>1</sup> He also proposed that, 'in order to give additional security to the smaller units', a two-thirds majority should be required for the passing of all Regional legislation.<sup>2</sup>

Sir Sikander did not mention the judiciary. Presumably he did not think it would be necessary to create new Regional Courts interposed between the Provincial High Courts and the Supreme Federal Court.

One feature of the Punjab scheme, which is shared by some but not all the others, is that it yokes Provinces and States together in each Region. Sir Sikander laid great stress on this as a means of breaking down the unnatural division between British and Indian India without threatening the autonomy of any of the units concerned. In the first place, he maintained, it would encourage collaboration between contiguous and kindred Provinces and States and thus 'tend to reduce causes and occasions for friction, which would otherwise be constantly present if British-Indian and Indian States units are kept in two watertight compartments'. Secondly, Provinces and States would be enabled to meet and co-operate at the all-India Centre 'on a uniform basis'. Their representatives would go there as representatives of Regions in which Provinces and States had already come together: they would not confront each other, as they would do under the kind of federal system hitherto contemplated, in separate, solid, disparate blocks. This was a strong point in favour of the scheme, but there was a still stronger one. If some of the 'subjects' of common interest which would better be handled jointly than by the units separately were allocated to Regional control, it would be easier to reduce the scope of the Central authority to the minimum, and thus 'allay the doubts and misgivings of the units by eliminating the possibility of undue interference by the Centre in their internal affairs'.<sup>3</sup>

### 3

So much for the idea of Regionalism. What of its practical application? On what principles, along what lines, should the Regions be demarcated?

The demarcation proposed by Sir Sikander, which, he was careful to say, was 'only tentative', seems open to serious objections. The composition of some of the seven Regions does not seem to be based on any other principle than that of geographical contiguity, and even contiguity is not always observed. This weakness is clearly apparent in the treatment of South India in Regions 4 and 5. The principle on which those Regions are based is clearly not cultural: while they bring together all the Gujarati and Malayalam-speaking areas, they split up the Marathi, Telugu and Kannada. Nor are they based on the physical character of the country

<sup>1</sup> *Outlines of a Scheme of Indian Federation*, 16.

<sup>2</sup> *Ibid.*, 17.

<sup>3</sup> *Ibid.*, 13-14.

and its economic implications: they separate Mysore from all its natural associations: they treat the Central Provinces States as a separate group of islands and detach them from the Central Provinces with which—and to a lesser extent with Orissa and Madras—they have close tribal and other connexions. It is still harder to detect a principle of cohesion in Region 6, a block of territory stretching across almost the whole width of India without any marked cultural identity, without any natural association, and without any basis for common economic development.

It is clear, in fact, that this particular scheme of demarcation is mainly inspired by political convenience. It pays scant attention to economic factors, though 'identity of economic interests' was one of Iqbal's principles of Regional consolidation. Yet ought not the economic factors to be the dominant factors? Has not the subordination of economics to politics been one of the main causes of the trouble in which the world now finds itself? Is it not now a commonplace that the primary sanction of all political organisation must be its economic validity? Man cannot live well by bread alone, but he cannot live at all without it. And does not this argument apply with special force to India, whose supreme need, it has been universally admitted for years past, is economic advancement? Ought not the constitution-makers, then, to think first in terms of Indian economics? And just at this time, when the progress of science has inspired such vast and novel economic experiments and holds out such golden prospects for future well-being, ought not Indian statesmen to keep abreast of this new world-wide movement and to make sure that the governmental structure they are planning is based on economic foundations which accord with present economic facts and future economic probabilities? To that end, surely, political preconceptions and traditions, however seemingly sacrosanct, should be sacrificed if need be. It is now or maybe never. For a long time to come, at any rate, the trend of India's destiny will be decided by the character of the new constitution.

## 4

A most impressive example of what can be achieved by large-scale economic organisation has recently been afforded by the operation of the Tennessee Valley Authority in the United States.<sup>1</sup> The Tennessee River rises in the Alleghany Mountains and flows for about 900 miles till it joins the Ohio. Its basin covers an area of about 42,000 square miles and includes parts of seven States. The elevation of this area varies from near sea-level to 6,000 feet, and its climate ranges widely between the sub-tropical and temperate zones. It possesses rich undeveloped mineral resources, and it can grow almost all the crops that are grown anywhere on the continent

<sup>1</sup> Details in the T.V.A.'s Annual Reports. A good up-to-date conspectus (with instructive photographs and a bibliography) is given by Dr. Julian Huxley in the *Architectural Review* for June 1948.

between Canada and Gulf of Mexico. Yet, ten years ago, the Tennessee basin was notoriously backward. Its population was relatively small and its standard of living relatively low. There was little industrial development, and the predominantly agricultural community was not only losing its more enterprising members who sought to better their lot elsewhere, but in its efforts to make a living it was fast destroying the means of making it. Burdened with large families, their energy often sapped by malaria, hookworm and vitamin-deficiency diseases, making no effort to improve on their primitive methods of farming, they found themselves perilously near the margin of subsistence.

Under the influence of this pressure the farmers began in many places to encroach upon the crowded mountainside. A steep slope would be burnt off and cleared of its timber, ploughed up and planted with maize. The climate is moist, with spells of heavy rainfall: more than half of all the rain of over 50 inches a year that occurs in the U.S.A. falls in the Tennessee Valley. With the removal of the forest cover, and the failure to apply fertilisers, the soil rapidly lost its fertility and large amounts of it were simply washed away. After a few brief years, the slope was no longer worth bothering about, and was abandoned in favour of a fresh cleared area near by, so that, in the heart of the most modern of countries, you could find shifting cultivation of the type usually associated with primitive African tribes. The resultant erosion was appalling.<sup>1</sup>

This grievous situation could not easily be remedied by State action, since several States were involved in it. Regional planning and, as far as the constitution permitted, Regional control were needed; and one of the first moves made by President Roosevelt's first administration in 1933 was the carrying of an Act through Congress establishing a Tennessee Valley Authority. 'It should be charged', said the President in his message to Congress, 'with the broadest duty of planning for the proper use, conservation and development of the natural resources of the Tennessee River drainage basin for the general social and economic wealth of the nation': but, in order not to violate State autonomy, its executive powers had to be limited to such inter-State matters as the control of floods, the improvement of river navigation, and the development and transmission of electric power. Within this field the T.V.A. has done much directly in the course of the last ten years, and outside its scope it has obtained, to a steadily increasing extent, the voluntary co-operation of the State and local authorities. Its achievement may be summarised as follows.

(1) The flow of the Tennessee River has been controlled by a system of dams and reservoirs, holding up the high waters of the rainy season and releasing and 'stepping' them down the valley in dry weather. Nine major dams have been built across the river, and eleven minor ones on the tributaries. The reservoirs and lakes thus created cover an area of over 1,100 square miles. (2) A navigable channel at least nine feet deep is now available for water transport from Knoxville to the Ohio—a distance of

<sup>1</sup> Huxley, *op. cit.*

648 miles. (3) Power-stations have been installed at the dams, and the power is transmitted to public authorities, private companies and individuals over the whole area at a cheap rate. (4) The revival of agriculture and the prevention of erosion are combined in a long-term plan, covering the establishment of research institutions and demonstration farms, the manufacture of low-priced fertilisers, the restoration of forest or grass in areas unsuitable for arable cultivation, the checking of denudation by terracing, damming and planting, the introduction of new crops and the encouragement of dairying and livestock industries and of co-operative organisation, and so forth. (5) The incidence of malaria, which would otherwise have been increased by the mosquito-breeding facilities of the new lakes and reservoirs, has begun to decline as the result of an organised preventive campaign. (6) National Parks have been marked out for recreation and the preservation of wild life, and holiday centres organised at the lakes.

It is not too much to say that the conditions of life in this vast area, and still more its prospects for the future, have already been transformed by the T.V.A. Unhappily it has been from the outset a subject of bitter political controversy. Its enemies denounce it as an unwarrantable invasion by the Federal Government of a field that rightly belongs to local authority and private initiative. Conceivably they may ultimately prevail and the T.V.A. be swept away. Even so the work it has already done would remain as a cogent demonstration to the world at large of what can be achieved by planning and co-operation on a basis of Economic Regionalism.

The force of this example must have been felt by economists in India: for in many parts of India conditions are closely akin to those of the Tennessee basin before the T.V.A. began its saving work. The high birthrate, the backward husbandry, the pressure on the means of subsistence, the varied climate, the heavy rainfall, the threat to the soil—all this teaches in India the lesson it has taught in the United States. Clearly India needs a scientific long-term plan 'for the proper use, conservation and development of her natural resources for the general social and economic wealth of the nation'; and clearly such a plan could only be executed by an authority and organisation of more than Provincial scope.

5

It is such considerations as these that have inspired an interesting and original scheme of Regional delimitation conceived by a member of the Indian Civil Service whose responsibility for the decennial census of the Indian population has made him closely acquainted with conditions in all parts of India.<sup>1</sup> The nature of the scheme and the argument on which it is built up may be summarised as follows.

<sup>1</sup> Mr. M. W. M. Yeatts, C.I.E., Census Commissioner for India, who discussed the scheme with the author when he was in India and has kindly permitted him to make use of it in this Report. In his introduction to the *Census of India, 1941* (Delhi, 1943), vol. i, p. 26, Mr. Yeatts advocates 'a fifty-year plan for the development of India's water-power resources'.

(1) Except as regards the Punjab, Sind and, to a lesser extent, Bengal the present administrative divisions of India do not correspond with any natural physical divisions; nor do they provide areas large enough for the co-operative economic development needed in the future.

(2) The natural physical division of India is not to be found in differences of climate or between highland and lowland, but in the great river-basins. There are three of these in Northern India: (i) the Indus basin, stretching from Kashmir to Karachi (corresponding in political terms to Pakistan), (ii) the basin of the Ganges and the Jumna between the Punjab and Bengal (corresponding to Hindustan), and (iii) the basin of the Ganges and the Brahmaputra between Bihar and the eastern frontier (corresponding to North-East India). The bisection of the Ganges basin accords with the physical facts. Soon after the Ganges bends southwards on the eastern borders of Bihar to meet the Brahmaputra some 150 miles away, the country begins to change its character. It is no longer the country of the Northern Plain: it is the country of the Great Delta.

South India has no such great rivers as those which spring from the Himalayas. Its main watershed is the Western Ghats, whence some of its rivers flow slowly to the Bay of Bengal and others rush steeply down to the Indian Ocean. But South India is in any case a natural physical unit. It is the country of the Great Peninsula. The discordance between the existing political structure and the physical and economic facts is nowhere so marked as in the division of the Deccan between three Provinces and three large and many smaller States.

(3) Regional division by river-basins corresponds with economic needs. Most of present-day India lives on its rivers. Many millions of its people depend directly, and many more indirectly, on irrigation; and the possibilities of economic welfare for the India of the future largely depend on the proper use of its vast water-power. Hydro-electric installations will not only facilitate industrial development: they will benefit the great majority of the population which must always gain its living from the soil. Cheap electricity can do more than anything else to improve the work and welfare of the Indian villager. It would enable him to increase the productivity of his land and to widen the scope of his efforts and interests, while developments in electrical refrigeration would expand the market for his produce.

(4) The full utilisation of the rivers demands a long-range plan which cannot be carried out within the separate areas or with the separate resources of Provinces. The area of the plan, like that of the T.V.A., must roughly correspond with the area of the river-basin. The Indus and its tributaries serve Kashmir, the North-West Frontier Province, the Punjab and Sind. The proper utilisation of these waters is a vital common interest of them all. A sharp conflict on this issue has been joined for some time past between the Punjab and Sind, and is now in course of settlement by an *ad hoc* Commission. There are similar possibilities of conflict in the Ganges basin.

Two Provinces and one State have been discussing for years past the use of the waters of the Tungabhadra. The control of the Mahanadi is a vital matter for the plains of Orissa, yet its upper waters flow through Indian States which have no connexion with the Province. Wherever, indeed, a river is shared between more than one autonomous unit, friction is unavoidable, and under present conditions is certain to increase. Surely it should be prevented by the joint governmental control of irrigation<sup>1</sup> and the use of river-waters in general. Hydro-electrical development likewise is being undertaken on a Provincial basis. Surely it needs super-Provincial co-ordination and co-operation. And the same applies to forestry. India is fortunate in having established a measure of forest-control betimes, but the danger of erosion is peculiarly serious in a monsoon climate, and in some areas in India the same problem of denudation and desiccation which has afflicted Tennessee is already in sight. Wide tracts in Northern India suffer from a ravine-formation which sterilises the surrounding land. In the South the Deccan river-beds for nine months in every year present a picture of great stretches of useless sand. If their waters were properly harnessed, much of this area could be recovered to the manifest advantage of communications and the general welfare of the countryside. All this demands control—control from source to sea, the prevention of deforestation in the highlands, the conversion of the steep river falls into instruments of power rather than destruction, the planning of dams and irrigation in the plains and the regulation of river-courses in general. Such control and the cost of it can only be provided on a Regional basis.<sup>2</sup>

(5) The case for the inclusion of the States in the proposed economic Regions needs no argument.<sup>3</sup> But in the event of their choosing to remain apart, Regional division is so essential for the future welfare of British India that, despite the practical difficulties, it should be carried out, if need be, without the States. A subsidiary but awkward question arises from the fact that the strict application of the river-basin principle would involve the breaking-up of certain groups of States. Of these the most important is the Rajput group. Rajputana, as it happens, has a marked physical and ethnical character of its own, and its units are bound together by a great historical tradition. If on these grounds the disruption of the group should be regarded as impracticable, it could be included as a whole in the Indus Region. But it is not an economic unit, and it would be more natural to allocate the four southern States, which, in any case, have affinities with Gujerat, to the Deccan Region, and the five eastern States to the Ganges Region with which the River Chambal links them.

<sup>1</sup> The prospect of conflicting claims to water-supply among units of the Federation was recognised by the authors of the Act of 1935, and provision for settling them was made in Sections 130 to 134.

<sup>2</sup> Regional control would only extend, of course, to the general planning of irrigation and power-supply as between Provinces and States. Distribution to the consumer is essentially a local question and would have to be dealt with by the Provincial and State Governments.

<sup>3</sup> An interesting illustration is afforded by the great expansion of Bikaner in wealth and population resulting from the agreement it has made (together with Bahawalpur) with the Punjab for the use of the water of the Sutlej.



(6) For present purposes it seems advisable to aim at demarcating the Regions without altering Provincial boundaries. But it is worth noting that the Ambala Division, the exclusion of which from the Punjab has been discussed in Chapter VIII, belongs to the Ganges, not to the Indus basin : it is watered by the Ganges' great tributary, the Jumna. If the Division were included in the Ganges Region, Alwar and Jind States would naturally go with it. The main Sikh areas of the Punjab, watered by the Sutlej and the Ravi, belong to the Indus Region.

(7) The allocation of Orissa is a difficulty. It has a marked individuality of its own. It has no racial or cultural kinship with Bengal or Madras. It possesses its own river-basin or basins. The Mahanadi links it with the Central Provinces, the Brahmani with Chota Nagpur. Far too small to constitute a Region by itself, it could best, perhaps, be attached to the Ganges Region.

(8) Delhi Province would constitute, as now, a separate enclave for the inter-Regional all-India capital.

(9) On the basis of the above arguments and considerations the four Regions might be constituted as follows.

	<i>British India</i>	<i>Indian States</i>
INDUS	North-West Frontier Province Punjab British Baluchistan Sind Ajmer-Merwara	Kashmir N. W. Frontier Agencies and States Punjab States and Hill States Baluchistan States Rajputana, except (a) and (b) below.
GANGES	United Provinces Bihar Orissa	United Provinces States Gwalior Orissa States Central India States east of Gwalior Chhattisgarh States, except (c) below States from Rajputana: (a) Bharatpur, Bundi, Dholpur, Karauli, Kotah
DELTA	Bengal Assam	Bengal States Assam States Sikkim
DECCAN	Madras Bombay Central Provinces and Berar Coorg Panth Piploda	Western India States Central India States west and south of Gujarat States [Gwalior Baroda States from Rajputana: (b) Banswara, Danta, Dungarpur, Palanpur States from Chhattisgarh: (c) Bastar, Chuikhidan, Kanker, Kawardha, Khairagarh, Nandgaon Deccan and Kolhapur States Hyderabad Madras States Mysore Travancore Cochin

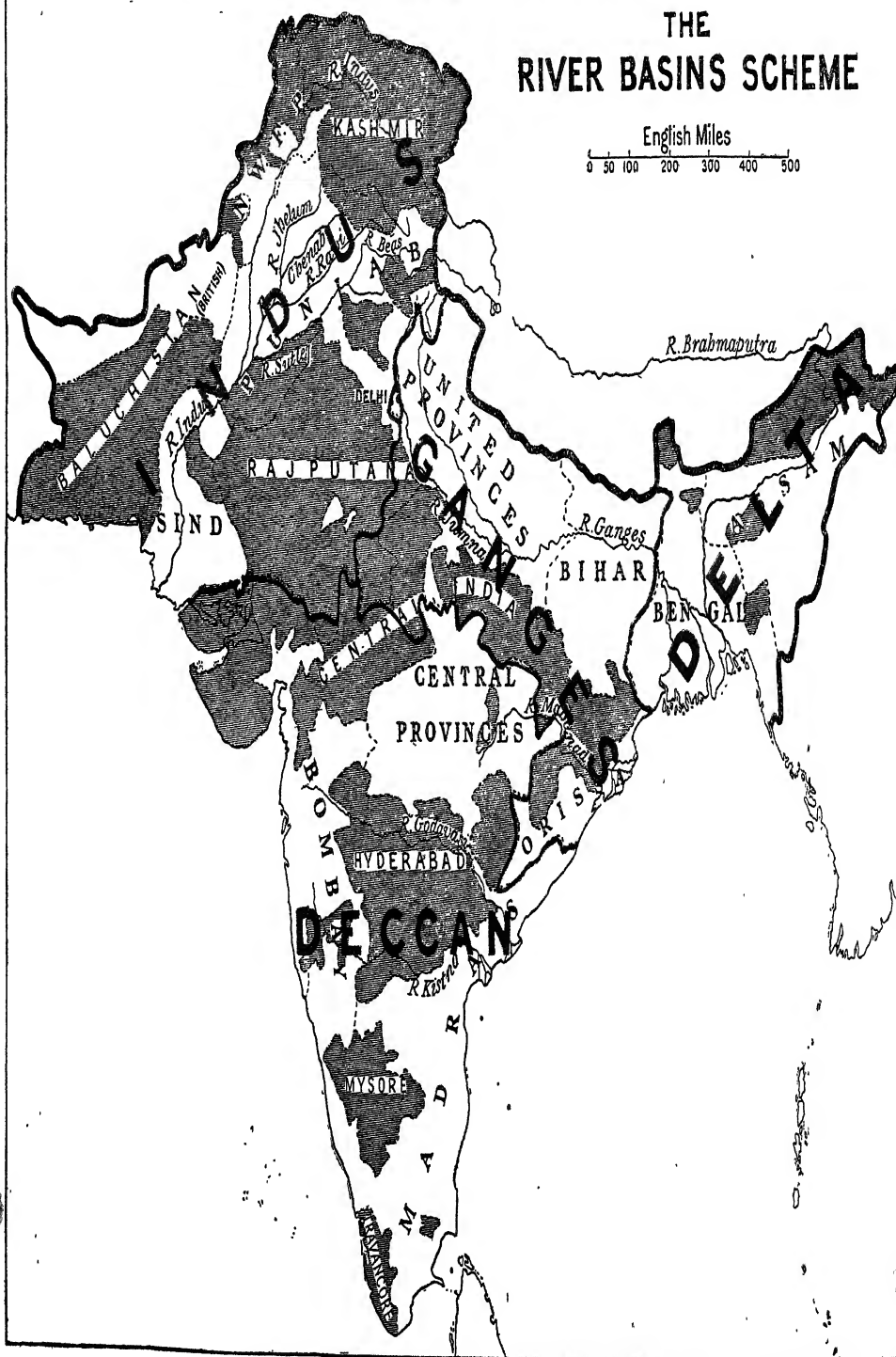
The following table shows the area and the population of the Regions.





# THE RIVER BASINS SCHEME

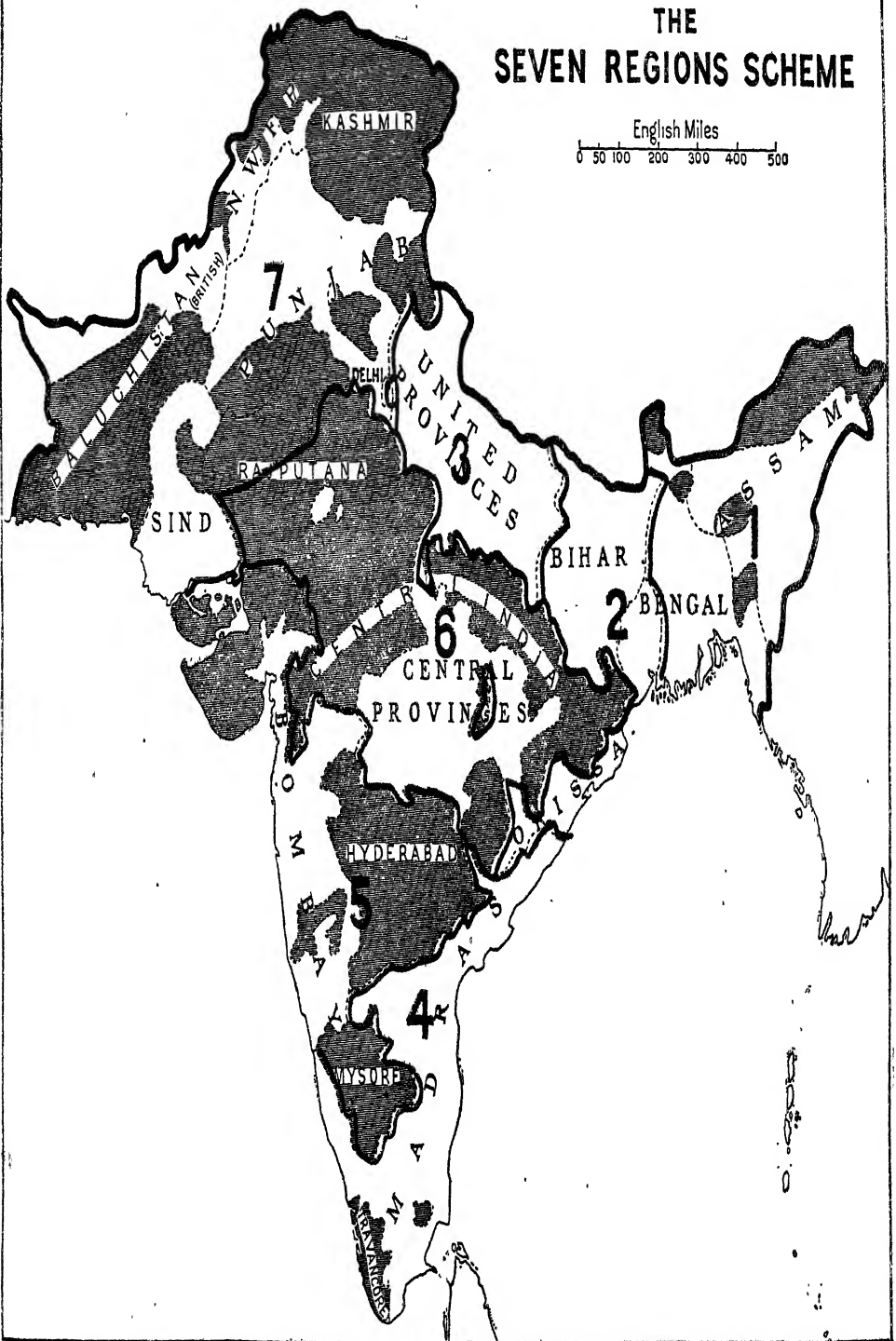
English Miles  
0 50 100 200 300 400 500





# THE SEVEN REGIONS SCHEME

English Miles  
0 50 100 200 300 400 500





Delhi Province and the Andaman Islands are excluded. Communities constituting less than 3 per cent. of the total population are also excluded.

	<i>Area (thousands of square miles)</i>	<i>Population (millions)</i>			
		<i>Hindus</i>	<i>Moslems</i>	<i>Tribes</i>	<i>Total</i>
Indus . . .	569.73	21.34	31.90	1.22	61.25
Ganges . . .	311.80	91.89	14.03	9.81	116.55
Delta . . .	156.96	30.66	36.85	5.59	73.50
Deccan . . .	539.25	110.44	11.22	8.77	136.82

If the States were left out and the Regions constituted from British-Indian territory only, the figures would be as follows.

	<i>Area (thousands of square miles)</i>	<i>Population (millions)</i>			
		<i>Hindus</i>	<i>Moslems</i>	<i>Tribes</i>	<i>Total</i>
Indus . . .	218.35	9.38	22.75	0.13	37.08
Ganges . . .	208.20	79.15	13.29	7.07	100.09
Delta . . .	132.39	29.27	36.45	4.37	70.51
Deccan . . .	302.79	72.42	6.61	5.13	87.18

The proportion of Hindus and Moslems is as follows.

	<i>All-India</i>		<i>British India</i>	
	<i>Hindus</i>	<i>Moslems</i>	<i>Hindus</i>	<i>Moslems</i>
Indus . . .	34.8	52.0	25.2	61.3
Ganges . . .	78.7	15.2	79.0	13.2
Delta . . .	41.7	50.9	41.5	51.6
Deccan . . .	80.5	8.2	83.0	7.5

The scheme outlined above seems clearly to deserve consideration for its economic merits alone; but its political implications seem scarcely less important. In the first place Regional division on economic principles confirms the political demarcation of the Moslem 'homelands'. The Indus and Delta Regions correspond with Pakistan and North-East India. Secondly, economic Regional division bisects dominantly Hindu India into two Regions, the Ganges and the Deccan. Though the Hindu majority in India as a whole is reflected in the preponderance of the Hindu over the Moslem minorities, yet a rough balance is established between two Hindu-majority and two Moslem-majority Regions. Does not that suggest that, whether along these lines or along others, an ultimate solution of the cardinal political problem may be found by setting economic factors in the forefront? Might not the pursuit of an economic objective lead also to the political goal? It demands, it is true, a new orientation of ideas. It means a break-away from the ruts in which political controversy has



dragged along for so many barren years. It calls for bold, far-sighted and far-reaching planning. But such planning is the primary need of the modern world. It has already transformed the life of Russia. If Indian statesmen bend their minds to it, might it not transform the life of India?

But, it may be asked, does a due appreciation of economic factors necessitate Regionalism in India? And the questioner might go on to make a case against it on the following lines. (1) All that the Regions purport to do could be done by consultative co-operation between the Provinces, and, that being so, why make this cumbrous addition to the already complicated structure of Indian government? (2) If the autonomy of Provinces and States is to be respected—and this is common ground—the Regions would not have much to do. Would their Governments and legislatures attract able men? Would they in any case inspire the sense of statehood, the patriotism, which admittedly inspires the peoples of the Provinces in a greater or less degree? (3) The economic need for Regionalism is not equally felt in all parts of India. Regional river-basin control, for example, may be needed for the Indus basin, but is it really needed elsewhere?

The answer to the first question will be found in the pages of the *Federalist*, the classic of American unity. Alexander Hamilton's arguments have never been rebutted; for they were drawn from the facts of American experience. Co-operation is not government. It is the method of a League, not of a State. If the conditions are favourable, vital common interests can certainly be handled smoothly and efficiently by discussion and agreement; but to argue that that is the best way of doing it in India is to take a dangerous path—a path that leads on to the Partitionist doctrine that the peace and welfare of India can best be maintained by discussion and agreement between separate independent States.

There is more force in the argument about the sense of statehood, but it does not apply to the proposed Moslem Regions. It is precisely the sentiment of Moslem solidarity and the desire to maintain it on more than a Provincial basis that inspire Moslem separatism. The essence of the Pakistan policy is the creation of consolidated Moslem States in the Moslem 'homelands'. Regionalism chimes with this. It provides a kind of Pakistan. But in the rest of India, it is true, there is no such impulse towards Regionalism. A Ganges Region would recall the ancient Hindustan: there was once more unity in the Deccan also than there is now: but the growth of a Regional patriotism in the Hindu-majority Provinces in Northern India or in Madras and Bombay would certainly be slow.

This point links up with the point that economic Regional control is not so urgently needed in some areas as in others, and, if they were pressed, the answer to them both might be that, however desirable Regionalism might seem to be for the whole of India, it is not a necessity. If the Moslem-majority Provinces formed themselves into Regions in the North-West and the North-East, the Hindu-majority Provinces would not be obliged to follow suit. Love of symmetry may be dangerous for constitution-makers,

and in any case no system of government for all variegated India can be symmetrical. It has already been intimated that the States might be unwilling to participate in a Regional system, and the Hindu-majority Provinces might likewise prefer to dispense with Regional machinery and to trust to consultation and co-operation for dealing with matters which they could not deal with singly and separately. Such a decision might be regretted by disciples of Hamilton, especially if they believed in economic planning, but it would not prevent a semi-Regional arrangement. It would only mean that the Centre would have to rest, as far as British India was concerned, not on four or more Regions but on two Regions and six Provinces. How these differing units might be combined for Central purposes and how Indian India might fit into the structure will be discussed in the next two chapters.

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## CHAPTER XI

### AN AGENCY CENTRE

REGIONALISM meets half the Moslem claim. It concedes the first demand of the 'Pakistan Resolution'. It combines those 'geographically contiguous' areas in North-West and North-East India in which the Moslems are in a majority and consolidates them as single political units. It provides the Moslems with national homes which they can call their own. They would be autonomous States, not secondary or subordinate units of administration. The government of the Regions and of the Provinces of which they would be composed would cover almost the whole field of public affairs, including those which most closely and directly affect the daily life of the people.

There remains the second demand, the second clause of the 'Pakistan Resolution'—that these States should be 'independent States', exercising 'all powers such as defence, external affairs, communications, customs and such other powers as are necessary'. If that claim means, as it would normally be taken to mean, that the States are to exercise those powers quite independently and in no way to share them with other States, it cannot be met by Regionalism. For Regionalism is not Partition. It preserves the unity of India. It assumes the establishment of an inter-Regional Centre.

But it would be a Centre of a new kind, different in the scope of its authority and different in the basis on which that authority would rest, from the Federal Centre as previously contemplated in Indian constitutional discussion. The inter-Regional Centre would possess only those minimum powers which it *must* possess if the unity of India is to be preserved at all, and it would exercise those powers not on the direct authority of an all-India electorate but as the joint instrument or agent of the Regions. It would provide the mechanism by which, within that minimal field, the peoples of the Regions could 'share the governance of their common motherland'.

These principles of Regionalism, as distinguished from Federalism of the normal type would apply to the Centre whether all its British-Indian units were Regions or some Regions and others Provinces. It will simplify further discussion if the system described is taken to cover both alternatives and if it is also borne in mind that the position of the Indian States at the Centre will be dealt with in the next chapter.

### 1

The Regional conception of the Centre conflicts, of course, with the traditional view that any all-India Government should be as strong as

possible and with the unitarian doctrine hitherto preached by Hindu leaders. But, whatever may be said in favour of that school of thought in theory, it cannot in fact provide a solution of the constitutional problem. It is beside the point to argue that India needs more unity, not less. The choice, it seems evident, lies between a minimum of unity and none: there must be a 'weak' Centre or no Centre. Whether the Moslem nationalists can be brought to agree to an all-India settlement on those terms remains to be seen, but there seems small chance of it on any other.

What, then, are the minimum powers which any Indian Centre *must* possess? They would seem to be those which reflect the unity of India as seen from abroad, those which concern her relations with the outer world: namely, (1) Foreign Affairs and Defence, (2) External Trade or Tariff Policy, and (3) Currency.<sup>1</sup>

In this context Defence means the maintenance and control of only those armed forces which are required for the defence of India against aggression from without. As explained in the preceding chapter, Regionalism would enable the Provinces in any Region to combine their civil and military police forces for the purpose of maintaining internal security if at any time a situation should arise which was beyond the powers of a single Province to control. If these police forces were kept at sufficient strength, the Indian Army would not be needed, as it is needed at present, as an ultimate instrument for preserving or restoring law and order inside India. It would only be used—and the same applies to the Indian Navy and the Indian Air Force—to protect Indian soil from foreign attack.

The control of emigration and immigration is associated with foreign policy and should therefore be vested in the Centre. Naturalisation is similarly linked with foreign affairs and must necessarily be a Central 'subject'. For, if India is to remain a unit in the international world, it must have its 'nationals'. But that would not preclude a Region, if it so desired, from establishing a second 'nationality' of its own.

The provision of the funds required for the control of those three 'subjects' seems a relatively simple matter. The cost of staffing the Centre, of a diplomatic service, of collecting customs and so forth would not be great. The only heavy item of expenditure would be defence, and the cost of Indian defence before the present war was more or less evenly balanced by the yield of customs revenue. It might be hoped that a similar balance could be maintained under the new *régime*. It would be a matter for consideration whether the Centre should be authorised to levy direct taxation to meet a deficit or whether it should be met by contributions from the Regions on a basis fixed in the constitution. Constitutional provision might similarly be made for the distribution among the Regions of a potential surplus.<sup>2</sup>

Is there anything that *must* be added to these three 'subjects'? The

<sup>1</sup> A uniform currency is a natural complement of a uniform system of foreign trade.

<sup>2</sup> The allocation of Central debt charges would also have to be settled.

most obvious addition is Communications. Central control of railways, air services and coastal sea-traffic, and of wireless, the telephone, the telegraph and possibly the postal service would presumably be necessary in war time or under threat of war; but the assumption of such control might be provided for by an emergency clause in the constitution. In peace time, though plainly more convenient and economical, such control would not be a positive *necessity*; and, if it were desired to decentralise those services, Regionalism would make it practicable. The railways,<sup>1</sup> for example, could scarcely be controlled by the eleven Provinces separately, but four or five Regions *could* control them without greater inconvenience than has long been suffered in Europe and with a greater measure of inter-State co-operation. For all Communications, as for other matters of common concern, inter-Regional advisory boards would doubtless be established, and recommendations for common action could be made by the Central to the Regional Governments.

A student who scans the list of 'subjects' assigned to the Federal Centre under the Act of 1935 will find several others for which Central control would plainly again be more convenient and more economical than decentralisation. It would clearly be waste of money, not to mention the possible shortage of trained personnel, to duplicate several times such existing Central services as the Census or the various scientific surveys and institutions; but duplication would be feasible if it were deemed necessary. There are other 'subjects'—such as industrial development, the regulation of mines and oil-fields, the control of major ports and navigation, firearms, explosives—which, while naturally centralised under a normal federal system, would lend themselves to decentralisation under Regionalism.<sup>2</sup> The Concurrent List, apart from such important 'subjects' as labour-conditions and the prevention of the spread of infectious diseases or pests, is mainly concerned with the system of civil and criminal law. It may be assumed that the whole of this body of law would be taken over as it stands at the outset of the new *régime*. It would become part of the law of the Provinces and Regions and subject to amendment by their legislatures. It is manifestly desirable that the civil and criminal law should be more or less uniform throughout the country, and to that end provision might be made (as suggested by Sir Sikander Hyat Khan) for Central legislation by request. The same procedure might be applied at need to such 'subjects' on the Federal List as banking, corporations, insurance and so forth. But in every case such Central action would only be 'permissive' or by request. The power of the Regions and Provinces to control all 'subjects' other than those few minimal 'subjects' enumerated above would be exclusive and unqualified.

There are some 'subjects'—industrial development and the large-scale

<sup>1</sup> A map showing the main railways will be found at the end of the book.

<sup>2</sup> Regions and Provinces would have to subscribe separately to International Conventions dealing with 'subjects' under their control or authorise the Centre to do so on their behalf.

control of water-power are perhaps the most important—which could better be dealt with by Regions than by single Provinces. If the Hindu-majority Provinces should prefer not to adopt a Regional system, this would be the field in which inter-Provincial consultation and collaboration would be most needed.

Thus it appears that, if the maximum of decentralisation and the minimum of centralisation are desired, it would be possible, though with regard to some matters it would be cumbersome and costly, to reduce the Central authority, except in the emergency of war, to the control of foreign and defence policy, tariffs and currency. In the governance of that limited field the Regions *must* share their powers if the unity of India is to be preserved.

## 2

On what principle and by what mechanism might power in this field be shared?

An inter-Regional union for the joint management of foreign affairs, defence, tariffs and currency might be described as a loose Federation; but it will clarify the discussion to get away from the terms and ideas of Federalism—for two reasons. (1) In the first place, Federation in practice has been concerned with relatively weak political units. An American State, a Swiss Canton, a Canadian Province could not easily maintain itself in complete independence. The process contemplated in India under the Act of 1935 was a process of transferring power from a strong unitary Centre to Provinces which nobody supposed could stand on their own feet in the world. But Regionalism introduces a new idea or new logical sequence. It first divides India into a number of great States which *could* be wholly independent. Some of them, as has been seen, would be relatively poor and weak, but they would not be the poorest or the weakest States in the international world. Next, those States decide to share their power for certain common purposes. (2) In the second place, all existing Federations are so devised as to combine the principle of national unity with the principle of local autonomy. All their legislatures are elected partly to represent the units and partly to represent the people as a whole. This precedent was followed by the Indian scheme of 1935. But there is no such dual principle in Regionalism. The Centre is a purely inter-Regional institution. Its authority rests solely on the Regions which could in theory exercise all the powers of government separately on their own account, but have decided to share some of them.<sup>1</sup> Thus the Centre would be regarded as an agency: the members of its executive and legislature would act as agents of their Regions.

<sup>1</sup> This analysis would not fully apply to a semi-Regional, semi-Provincial system, since some of the Provinces could scarcely be as completely independent States in theory as Regions could. But the principle would be the same. A non-Regional Province would possess the same autonomy *vis-à-vis* the Centre as a Region would, and it would come to the Centre in the same way, not under the compulsion, so to speak, of a single Indian nationhood, but as an autonomous 'country' freely desiring to share with other autonomous 'countries' in the management of certain common affairs.

Sir Sikander Hyat Khan made this point clear when he explained his Regional scheme in the Punjab Assembly.<sup>1</sup>

We should try to devise an agency which would be set up with the consent of the units and administer at the Centre subjects of common interest such as customs, currency, defence and foreign affairs. . . . The Centre thus constituted will not be a domineering hostile Centre looking for opportunities to interfere with the work of Provincial<sup>2</sup> Governments, but a sympathetic agency enjoying the confidence and support of the Provinces<sup>2</sup>—a body set up by the units to control and supervise the Central administrative machinery and to see that the work entrusted to it by the Provinces is carried on efficiently, amicably and justly. You can call it the Central Government or a Co-ordination Committee or call it by any other name you like. But, as I have said, if you face the facts squarely and examine the problem dispassionately, you cannot but come to the same conclusion as myself that a Centre agreed to by the various interests of their own free will would be a much stronger Centre than one arbitrarily superimposed and composed of individuals elected independently of the Provincial<sup>2</sup> legislatures or governments. The latter type will not work smoothly or even justly for the simple reason that there will be a perpetual tug-of-war between the Centre and the units.

Such a phrase as 'Co-ordination Committee' might suggest that Sir Sikander was not contemplating a real Government at the Centre,<sup>3</sup> but only some such mechanism of consultation and co-operation as would be appropriate to a Confederacy. But Regionalism, it may be stressed again, goes further than a Confederacy. The latter is only a league, only a kind of alliance. It possesses no power or authority of its own. The decisions on which the units are agreed must be executed by the units at their expense. An inter-Regional Centre, on the other hand, would be a Government. It would give its own orders to its own soldiers and officials. It would pay its own way. An inter-Regional union, in fact, would occupy a middle position. It would be more than a Confederacy, but less than a normal Federation.<sup>4</sup>

<sup>1</sup> *Official Report*, vol. xvi, no. 8, March 11, 1941.

<sup>2</sup> This passage reads as if the Provinces rather than the Regions were the units combining at the Centre; but there is no real confusion. As will be seen presently, the scheme contemplates the representatives of a Region at the Centre being chosen primarily as representatives of the Provinces and States comprising the Region.

<sup>3</sup> The late Sir Sikander Hyat Khan was good enough to discuss his scheme with the author of this Report in 1942. Questioned as to whether he meant a real Central Government, possessing its own power and authority, Sir Sikander emphatically answered 'Yes'.

<sup>4</sup> At first sight there seems to be a precedent for a midway union in the Hapsburg Empire which fell to pieces in 1919. But in fact the Austro-Hungarian *Ausgleich* was much nearer to a Confederacy than to a Federation, and the ultimate basis of its unity was the fact that the Emperor of Austria was also King of Hungary. The *Ausgleich* operated through a joint legislature and executive. The legislature consisted of separate Austrian and Hungarian chambers which debated and (except in a case of deadlock) voted separately, and made separate laws in an agreed identical form. Thus the tariff, the railway system, and currency were regulated by concurrent statutes, and treaties were similarly ratified by the Austrian and Hungarian Parliaments separately. The executive consisted of 'joint Ministers' for Foreign Affairs, War and Finance, appointed by the Emperor-King and theoretically, but not in fact, responsible to the joint legislature. The 'joint army' was recruited and maintained by separate decisions of the legislative chambers, but the regulation of its 'management, conduct, and internal organisation' belonged 'exclusively to the Emperor' (Austrian Law of 1867, section 5).

How would the legislature and executive of the inter-Regional Centre be constituted and how would they operate?

In Sir Sikander Hyat Khan's scheme the method for constituting the legislature was simple. It was to be unicameral and to consist of all the members of the Regional legislatures sitting together. Since representation in those legislatures was to be based, as has been seen, on the provisions of the Act of 1935 for the Federal Assembly, their communal composition would be reflected at the Centre. One-third of the Central Assembly would thus be Moslems, and the proportion allotted to other communities would be similarly determined by the scheme of 1935. So would the balance of two to one between Provinces and States. The new Assembly, in fact, would be a replica of the Federal Assembly projected in 1935. It would have the same number of members—375—of whom 250 would come from the Provinces and 125 from the States.

Two objections may be urged against this plan. (1) First, it would surely be difficult for the same persons to be members both of a Regional and of the Central legislature. Urgent questions might arise and critical decisions have to be taken in both fields at the same time. (2) Secondly, a replica of the 1935 Assembly would surely be too large. The scope for legislation or for discussion of administration in the inter-Regional legislature would be very narrow. Even if Communications and one or two other 'subjects' were added to the minimum of three, it would still not have much to do. Foreign affairs and defence are not normally matters of constant innovation or revision. The essential quality of a currency policy is stability. The 'subject' most likely to excite controversy and to take time would be the tariff, and it is not good for trade to alter tariffs frequently. Clearly the activities of the legislature would be severely limited, and surely, therefore, its size should be limited too. Since 'Assembly' suggests a relatively large body, a better title might be 'Council', the 'Council of India'.

The idea, indeed, of reproducing the Federal Assembly as planned in 1935 seems basically mistaken. For it violates the primary principle of Regionalism. That Assembly, it is true, was intended to embody the federal idea: its members were to be chosen by the Provincial Legislative Assemblies and the States Governments.<sup>1</sup> But it was to be associated with a second chamber whose British-Indian members were to be chosen on the unitary principle of direct election by general constituencies. And the Federal legislature as a whole was conceived as continuing to play the rôle allotted to its predecessor in the sanguine days of 1919. It was to be a great all-India Parliament, reflecting the strength and aspirations of Indian nationalism. But that is precisely what an inter-Regional legislature would not be. The Regional idea recognises that the ideal of a single Indian nationhood has yet to be attained. The inter-Regional legislature would reflect the separate nationalisms of the Regions represented in it.

<sup>1</sup> For the controversy on this issue, see Part I, 117-18, 133, 138, 142.



It would be beyond the scope of this Report to consider in detail how the legislature should be constituted so as to accord with the Regional idea and with the amount of work it would have to do; but one or two general considerations may be suggested. (1) Its members should not be members of any other legislature. (2) The number of them should be the same from each Region, and should not exceed the minimum required to give adequate representation to its component units. (3) They should derive their authority from and be responsible to their Regions. They might be elected by the Regional legislatures, and on a system devised to secure that the Provinces and States were fairly represented.

In a semi-Regional system the representatives of the non-Regional Provinces would be elected by and responsible to those Provinces. To maintain the balance of the system it would be necessary that the number of Provincial representatives should be the same as if the non-Regional Provinces had in fact combined in Regions. Thus, if the river-basin principle were taken as the basis of division, the total number of representatives from the six Hindu-majority Provinces would be the same as it would have been if they had formed themselves into Ganges and Deccan Regions.<sup>1</sup>

So much for the constitution of the legislature. As to its operation, the same kind of 'safeguards' might be adopted as those discussed in previous chapters for the Provincial and Regional legislatures. Sir Sikander Hyat Khan suggested 'a two-thirds or even a three-fourths majority' for decisions on communal administrative questions,<sup>2</sup> and the same 'safeguard' could be applied to legislation. But in either case the possible difficulty of determining whether a communal issue were in fact involved, must not be overlooked. A second chamber as a means of further protection for minorities seems unnecessary.

#### 4

Next the executive.

If the scope of the Centre were limited to the minimal three 'subjects', only a few departments would seem to be required. The joint 'subject' of Foreign Affairs and Defence would naturally be divided, but a single Finance department could handle both tariff policy and currency. In view of the relatively narrow field of business it may be assumed that the Prime Minister would be the head of a department, say the Foreign Office. If, as seems probable, Communications were also a Central 'subject', four departmental Ministers would form the kernel of the Cabinet. One or two Ministries without portfolio might be added.

The arguments urged in Chapters VII and X in favour of statutory coalition Governments in the Provinces and Regions clearly apply with full force to the inter-Regional executive; and up to a point the precedent of the Swiss constitution would once more seem applicable. (1) The Prime

<sup>1</sup> Compare the Punjab Committee's proposal in 1928 (p. 113 above).

<sup>2</sup> *Punjab Legislative Assembly Debates*, vol. xvi, no. 8, March 11, 1941, p. 355.

Minister and his colleagues might be elected by the Legislative Council to hold office for the same term of years as the Council. They would have to depend, like the Swiss executive, on securing a majority in the Council in order to carry the legislation they desired; but they would not be responsible to the Council for their administration from day to day. (2) The Swiss plan might similarly be adapted to secure an even distribution of executive posts among the Regions. It might be provided that at least one post and not more than two should be allotted to each Region. In a semi-Regional system the Provinces not constituting Regions could be grouped as Regions for this purpose.

The principal features of the Swiss constitution would thus be retained, but certain variations from the Swiss model might seem desirable on other points. The Prime Minister, for example, might hold office for the whole period and not for one year only. It might also be provided that he should be alternately a Hindu and a Moslem. The same plan might be adopted for dealing with personal deadlocks as that suggested for the Provinces in Chapter VII.

It has been assumed in the preceding paragraphs that a separate legislature and executive would be required, but it seems just worth consideration whether that would in fact be so. Would it not be simpler and more economical, it might be asked, to revert to the old Joint Council, exercising both the legislative and the executive function, which existed in the early days of the British Raj?<sup>1</sup> The scope for legislation, as has been pointed out, would be small, and the range of debate would be narrowed by the fact that the participants would be acting not as independent or party politicians but as the agents of their Regions. Would it be impossible for one fairly small Council both to control administration and to enact the laws?

## 5

A Central legislature and executive imply a Central judiciary, and it may be assumed that, if an inter-Regional Centre were established, it would have its Supreme Court. Its powers would be similar to those of the existing Federal Court. It would interpret the law of the constitution. It would deal with issues of legal right between the Centre and the Regions and between the Regions and the Provinces. It might also hear appeals from the High Courts of the Provinces and States and, if they were established, of the Regions. The vital importance of its function as guardian of the constitution has been intimated in Chapter VI.

It would seem natural to compose it of one judge from each Region. For this purpose again, in a semi-Regional system the non-Regional Provinces could be grouped as Regions.

## 6

Assuming for the sake of discussion that the inter-Regional Centre were to be constituted and to operate on the lines suggested in the preceding

<sup>1</sup> Part I, 20.

pages, it remains to consider how it would affect the communal problem.

It might be hoped that the conduct of Ministers and Members of Council at the Centre would be determined by no narrower considerations than the interests of the great 'countries' they would represent; but, if communal allegiance were still to be, for a time at any rate, the dominant force in politics, would the new system offer a better chance of co-operation and concord than the federal system of 1935?

It would depend, of course, on the kind of communal balance established at the Centre. That would not be a question of the precise numbers of Hindus and Moslems and members of other communities in the legislature. For it is the cardinal principle of Regionalism that the members of the Central legislature are not independent in the same sense as members of normal Federal legislatures are independent. Under a Regional system there would be no 'national' element in the process of their election. They would represent the Regions, and the Regions only. They would be in fact the delegates or agents of the Regions under mandate from their Governments and legislatures. On any important issue they would all have to vote accordingly. The same would apply to the representatives of non-Regional Provinces in a semi-Regional system. Thus the communal balance in the Central legislature would not be a balance between the opinions of individual members or parties but a balance between the policies of the Regions (or of the Regions and non-Regional Provinces). Would such a system provide a more acceptable application of the communal 'balance theory'?

Under Sir Sikander Hyat Khan's Seven Regions scheme it would not. Only two of his seven Regions would have a Moslem majority, and this disproportion would not be affected by giving the Moslems 'weightage' at the Centre. For at an inter-Regional Agency Centre, it may be repeated, it is not the communal make-up of the legislature that would matter, but only the communal complexion of the Regions. Thus, from the Moslem standpoint the scheme would not improve the present inter-Provincial balance of 7 to 4, it would worsen it.

That consideration would alone be sufficient reason for trying to devise a different plan of Regional demarcation. If the proportion of Hindu-majority to Moslem-majority Regions were 3 to 2, it would palpably be more favourable to the Moslems. It would be still better, of course, if the economic principle of the river-basin were adopted as the basis of demarcation; for the result of that, as has been seen, would be a proportion of 2 to 2. Is it conceivable that the leaders of the great Hindu community, comprising as it does three-fifths of the Indian population, could acquiesce in some such method of preserving the unity of India? It would mean the dissolution of a dream—the dream of a single Indian nationhood brought into being within the lifetime of men now living, and manifesting its national unity in a powerful all-India Government and a full-scale all-India Parliament. But that dream has already proved a fantasy. The authors of the Act

of 1919 hoped that in equipping India with a relatively strong Central executive and a great national legislature they would hasten the growth of Indian nationhood. It was part of their act of 'faith'.<sup>1</sup> But a tender plant may be killed by forcing it, and the course of events since 1919 has brought India to the verge of disruption. Can it be questioned now that, if the unity of India is to be maintained at all, it cannot be maintained on the lines of 1919, or even on the lines of 1935? And, if a practicable alternative could be found in Regionalism or some similar system, ought not the Hindu leaders to pause and ponder before they cast it aside and find themselves confronted with Partition? Patience, as the greatest statesmen have always known, is the queen of political virtues, and it is clear enough now that, if the peoples of India are ever to become one nation, it will take time. Yet, if once a Hindu-Moslem settlement could be attained, if once the primary check on the physical and material forces which make for Indian unity were overcome, if once the representatives of the two dominant communities were to find themselves working together day by day in the common service of India, the time might well prove shorter than seems possible in present circumstances. A new age of faith might dawn, and the dream come true in the end. Blind pessimism is as foolish as blind optimism, and it is not a demonstrated certainty that Hindus and Moslems, while keeping their different characteristics as the different Swiss or Canadian nationalities keep theirs, can *never* become conscious of an Indian nationhood as real as that of Switzerland or Canada. If union on any terms *now* might make that ultimately possible, ought Hindu statesmen to refuse to pay the price of it? 'Magnanimity in politics', said a famous friend of India, 'is not seldom the truest wisdom.'

For Moslem statesmen also it would be difficult, no doubt, to acquiesce in such a compromise as that embodied in a Regional or any similar scheme. But would it be so difficult? Regionalism, it is true, does not satisfy the Moslem claim on one point. It does not concede *full* independence to the Moslem States. But it meets the claim on every other point. It accepts the 'two-nations' principle. It establishes the Indian Moslem nation in a national State or States. It recognises that those States, whatever their size or population, are equal in status with the Hindu States or groups of Provinces. It does not violate their independence, but it enables them, by means of their own chosen agents, to share their powers in a minimal field with the other States. Is a Centre of that kind intolerable? It is true that there is something formidable about the existing Centre, something that seems to threaten local freedom. It has inherited an imperial character from the Mogul Empire it succeeded. And that is why the Moslems refuse to let it pass, even in its prospective federal shape, under Hindu domination. But it is difficult to regard such an inter-Regional Centre as has been outlined in this chapter as the throne of a 'Hindu Raj', and it would be difficult, too, for an expectant world to understand the motives

<sup>1</sup> *Ibid.*, 55.

of Moslem statesmen if the Hindus should acquiesce in some such settlement and they for their part should continue to insist on a complete—it might prove to be a final—disruption of Indian unity.<sup>1</sup>

There seems, indeed, to be only one argument—and it has occasionally been heard in recent controversy—that can be used to justify so desperate a decision. 'It is no good', it is said, 'bringing Hindus and Moslems together at any Centre, however constituted and for whatever purpose, because they can never agree.' But, apart from its fatalism, that argument seems to ignore two facts. The first fact is that Hindus and Moslems will be intermingled in the separated States after Partition as before it. If they cannot agree at a Centre, how can they agree in the States and thus make good the separatist claim that Partition will solve the communal problem? The second fact is that Partition would not transfer the Moslem States to the moon: they would remain in India; they would lie alongside Hindu States. Thus the final answer to this final argument is the plea which Abraham Lincoln made to the Southern States on the eve of the Civil War.

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face, and intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always; and when, after much loss on both sides, and no gain on either, you cease fighting, the identical old questions as to terms of intercourse are again upon you.<sup>2</sup>

The plea was not heard. The war came. But after years of bitter disharmony and ill-will the national unity of the American Commonwealth was restored. That recovery was possible because the Americans who had fought each other were not too deeply divided. Their language, their religion, their race to a large extent, were the same. Their quarrel was the outcome of a dispute about slavery, and slavery was dead. But in India what is not conceded to reason can never be won by force. The unity of India can only be saved by statesmanship; and, if the Hindus give the lead in statesmanship, will the Moslems fail to follow?

<sup>1</sup> The argument advanced by Mr. Jinnah at the League Session in April 1943 (see p. 8 above) that a Centre of *any* kind is bound to enlarge its powers and destroy the autonomy of the Provinces cannot be seriously pressed. If it is provided that the law of the constitution, strictly limiting the Centre's powers, can be enforced in the Courts and can only be altered with the consent of a majority in the Provinces or chief minority communities, then to assert that the Centre will necessarily trespass on Provincial rights is to deny the validity of any constitution and any law. On such assumptions a Partition settlement would be equally invalid.

<sup>2</sup> *Speeches and Letters of Abraham Lincoln* (Everyman's Library), 172.

## CHAPTER XII

### THE CHOICE BEFORE THE INDIAN STATES

#### 1

THE preceding chapters have been mainly concerned with British India and with the possibilities of a Hindu-Moslem settlement. Such a settlement is the first thing needed if India is to obtain its freedom without losing its unity. But there is another obstacle to be overcome, second in its importance and difficulty only to the communal schism—the division between British India and the Indian States.<sup>1</sup>

All the arguments for maintaining the unity of India which may be pleaded against Moslem claims for Partition apply with at least equal force to the States. And, until very recently, most of the States' Rulers, like the Moslem leaders, while identifying themselves with Indian aspirations for an equal national status with that of other nations, took it for granted that the free India of the future would be a single all-India federation. But, like the communal schism, the division between British and Indian India has been accentuated by the growth of nationalism and the development of self-government in British India: for the nationalist movement has also been a democratic movement, and the greater the constitutional advance in the Provinces, the sharper has been the contrast with the autocratic *régime* of the States. This did not in itself preclude a federal union of all India, since a federation does not require that its component units should have the same internal form of government; and once again it must be regretted that all the labour given by British and Indian statesmen to produce the federal part of the Act of 1935 proved in the end abortive. It did not satisfy the more radical Indian nationalists; it was a compromise between nationalism and democracy; but at least it provided a *modus vivendi* which, if once it had come into operation, would have enabled Provinces and States, like Hindus and Moslems, to work together as one nation for national purposes; and it is a reasonably safe assumption that such collaboration would have tended not only to mollify communal antagonism but also to hasten the process of constitutional evolution in the States. But the Congress leaders, headed by Pandit Nehru and backed on this issue by Mr. Jinnah, were not content with an evolutionary process. The immediate and complete democratisation of the States was to be part of the great revolution by which all the peoples of India would obtain their freedom both internal and external at one stroke. Democrats cannot quarrel with the principle at stake, but they can question the wisdom of the policy.

<sup>1</sup> This chapter is not concerned with the numerous little States which seem destined sooner or later to be absorbed in larger units. This process of absorption has recently been begun, rather tardily, in Western India and Gujerat. For details see Appendix V, p. 208 below.

For the method of revolution is the method of force, not of compromise and consent, and India cannot achieve a real and lasting unity by force. As it was, the Congress policy was one of the main causes of the Princes' recoil from the Act of 1935<sup>1</sup> and, when at the end of 1938 the Congress leaders launched their campaign of agitation in the States, side by side with their 'mass-contact' movement for absorbing the Moslems of British India into the ranks of the Congress,<sup>2</sup> the result in each case was to make the attainment of an all-India union by agreement still more difficult. For it was as clear to the Princes as it was to the Moslems that the ultimate objective of Congress policy was a Congress Raj. 'The Congress', said Mr. Gandhi in 1938, before the campaign was started, 'bids fair in the future, not very distant, to replace the Paramount Power'; and though, after it had achieved some results in several States, the agitation was called off, Mr. Gandhi did not abandon his belief that the Princes must sooner or later accept the policy dictated by the Congress 'high command'. On the eve of the rebellion of 1942 he urged them to come to terms with him. 'When I am gone', he said, 'Pandit Jawaharlal Nehru will have no patience with you.'<sup>3</sup>

The prospect of a Congress Raj had precisely the same effect on the Princes as it had on the Moslems. It pushed the idea of Federation still farther into the background and it brought the idea of Partition to the front. The notion that British India might attain Dominion Status and Indian India follow a separate path had hitherto been more or less academic. If the possibility of Partition on those lines had figured in constitutional discussion, it was only as an answer to the argument that the advance to Dominion Status would be blocked if the Princes refused to share in an all-India system of government. That such a Partition should actually come about was no more seriously contemplated a few years ago than Pakistan. In both cases it has been the Congress attempt to force the pace that has brought the disruption of India into the field of practical politics. But the reaction of the Princes to Congress policy is different from the Moslem reaction in two respects. (1) First, the reason for it is not the same. The communal issue is an important factor in it because about 12½ millions or 13·4 per cent. of the total population of the States are Moslems, and so are the Ruler and the governing class in Hyderabad, the premier State, and in a few other States. But the dominant issue is not communal, it is constitutional. The Princes interpret a Congress Raj—and Pandit Nehru's speeches have given some warrant for it—as meaning the immediate abolition of all their princely prerogatives, if not the conversion of their States into republics. (2) Secondly, the attitude of the Princes to Partition is much more hypothetical or provisional than that of the Moslem League. Mr. Jinnah has pushed his case to its extreme. He does not merely say that Partition is forced on the Moslems as the only means of escaping a Congress Raj: he demands it as a good thing in itself, as the only way, indeed, of satisfying

<sup>1</sup> Part II, 4-6.

<sup>2</sup> *Ibid.*, chap. xvi.

<sup>3</sup> *Ibid.*, 98.

Moslem nationalism and bringing about communal peace in India; and he propagates this doctrine with all the resources at his command. The Princes have been more reserved and reticent. They have not said they want Indian India to be separated from British India. Their spokesmen, indeed, have only made one public reference to the possibility of Partition in that form—in the course of the Cripps Mission—and on that occasion it was not they who raised the issue. It had already been raised by the Draft Declaration. For the British Government had realised that the course of events since 1935 had given practical force to what had hitherto been an academic argument. The federal part of the Act of 1935 would have come into operation as well as the Provincial part if the leading Princes had so wished. In effect they vetoed the Federation, and the Draft Declaration nullified that veto power by extending the option of non-adherence to the projected constitution to the States as well as to the Provinces. Thus a States Partition had become as live an issue as Pakistan. It is conceivable, however, that the spokesmen of the Princes might have made no comment on this proposal if they had not felt obliged to do so by the fact that the Draft Declaration, in applying the principle of non-adherence, differentiated between the Provinces and the States. It promised 'non-acceding Provinces, should they desire it, 'the same full status as the Indian Union'; but as regards the States it only said that, whether a State adhered to the new constitution or not, it would be 'necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation'.<sup>1</sup> In fact there was little substance in this discrepancy. The Draft Declaration was primarily concerned with British India: its immediate purpose was to induce British-Indian party leaders to agree to take part in the existing Central Government in which the States have no place: the main reason for propounding the scheme for constitution-making was to make such an agreement easier. It was not unnatural, however, that the Princes should call attention to the discrepancy; and the resolution submitted by the Indian States Delegation to Sir Stafford Cripps asked that it should be corrected. Non-adhering States, or a group of States, it said, 'should have the right to form a Union of their own, with full sovereign status in accordance with a suitable and agreed procedure devised for the purpose'.<sup>2</sup> In other words such States should be entitled, equally with non-adhering Provinces, to constitute a Dominion or Dominions.

Thus far and no further have the States' representatives moved in the direction of Partition. They have not said they desired it. They only criticised the Draft Declaration because it did not explicitly offer them the choice of it. The Working Committee of the Moslem League, on the other hand, condemned the Draft Declaration outright because it did not accept Partition *a priori* as 'the only solution of India's constitutional problem'.<sup>3</sup> It would be a mistake, however, to suppose that, because the attitude of the States on this issue is so much more tentative than that of the League, a

<sup>1</sup> Part II, 336.

<sup>2</sup> Cmd. 6350, p. 16.

<sup>3</sup> *Ibid.*, 19.



States Partition is a much less serious possibility than Pakistan. The States may regard the prospect very differently from the League; but there can be no doubt that they would insist quite as firmly on disrupting India rather than accept an all-India system of government which overrode their rights and put them at the mercy of the Congress and its 'high command'. Nor would it be reasonable on the British Government's part to rule that out. It has given no public answer to the request made to Sir Stafford Cripps; but, having acquiesced in the possibility of Pakistan, it could scarcely refuse to acquiesce in the possibility of a States Dominion. Since the States can no more be compelled than the Moslems to submit to an all-India system of government framed without their agreement, the option of Partition in both cases is the only means of avoiding a potential deadlock.

## 2

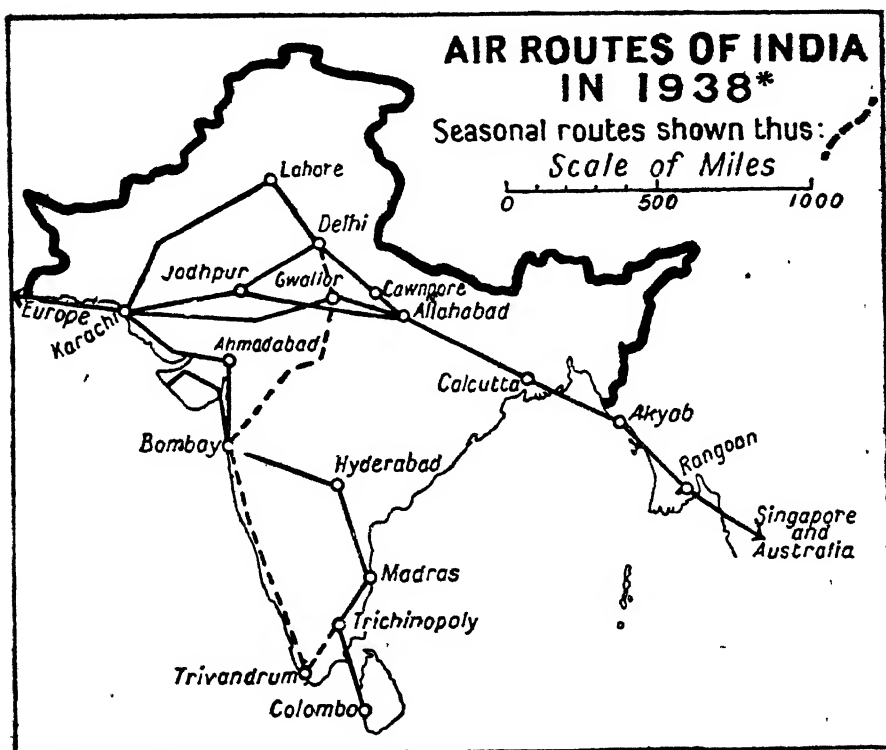
What, then, are the prospects of a States Dominion?

(1) It should be observed, in the first place, that the partition of India by the creation of a separate States Dominion would not be so drastic a change in the existing situation, so disruptive of an existing unity, as the partition of British India between Moslem and Hindu Dominions. Indian India has always been separate from British India. They come together at the Centre, but on quite a different footing. The domestic autonomy of the States is more complete than that of the Provinces, enlarged though the latter has been by the Act of 1935; and, as a corollary to this freedom from Central control, the States have no place in the Central executive or legislature, which are those of British India only. Thus the creation of a States Dominion would involve a less radical alteration of the present structure than Pakistan. It would complete and confirm a division which already exists.

(2) The area covered by the States is about two-fifths of India, and their aggregate population is about 98 millions. But, just as all the 94 millions of Indian Moslems could not be included in a Moslem Dominion or Dominions, so all the States could not be included in a States Dominion or Dominions. Their territories are interwoven with those of British India, and it would be impracticable to maintain small enclaves of one Dominion in the heart of another. There is one great block, however, of contiguous State territory, stretching from Sind and the Punjab to the Gulf of Cambay and the Central Provinces, which forms a compact area, over 600 miles broad each way, with access to the sea at the ports of Cutch and Kathiawar. Its population is about 30 millions. Here, it might be argued, are the makings of a Dominion comparable with Pakistan.

Less than 100 miles to the south of this block lies the north-west corner of Hyderabad. The gap between Hyderabad and Mysore is still narrower, and from Mysore to Travancore is less again than 100 miles. The area of Hyderabad is roughly 80,000 square miles, of Mysore 30,000, of

Travancore 7,000. Their populations are about 16, 7 and 6 millions. They are only separated from each other, and Hyderabad from the northern block, by twenty minutes or less of flying-time. Despite the breaks of contact by land, could they not form, it might be asked, a single Dominion? Alternatively, Hyderabad, Mysore and Travancore could stand on their own feet as separate Dominions. The smallest of them has thrice the population of New Zealand. In the North lies Kashmir with a population of over 4 millions and the Punjab States close by.



(3) The strategic position of such a Dominion or Dominions would be stronger than that of Pakistan or North-East India. They would be less exposed to attack from outside India, and within India they would stand solidly athwart all the main lines of communication by rail or air.<sup>1</sup> It seems probable that a States Dominion Government would desire to negotiate with the British Government a similar defence treaty to that which (as will be suggested in the next chapter) might be negotiated between an

<sup>1</sup> See Railway Map at the end of the book.

\* This map and the Economic Map at the end of the book are based on maps drawn by Messrs. George Philip & Son and published in *The Times Trade and Engineering Supplement* for April 1939. The author's acknowledgments are due to the Editor of *The Times* for permission to use the maps and to Messrs. George Philip & Son.

all-India Dominion and Britain. It might also ask for British assistance in the development of its armament and other industries.

(4) The economic outlook would not be discouraging. As in the rest of India, the great majority of the population in all the States is agricultural. In Rajputana, except in the irrigated area of Bikaner, agriculture is backward. Kathiawar grows a substantial amount of cotton and rice. So does Baroda. Hyderabad produces over half a million bales of cotton a year, one-fifth of the total ground-nut crop of India and a great deal of wheat and rice, and the acreage under millets is the second largest in India. Mysore produces about half the total amount of coffee produced in India and also cotton, ground-nuts, sugar, rice and rubber. The outstanding products of Travancore are coconuts, tea and rubber. In industry Mysore had taken the lead by 1939 with its gold-mining and the hydro-electric development associated therewith and with some thirty other major industrial concerns, including iron and steel, cotton, silk and sugar. Baroda was one of the first States to develop industries, and in 1939 possessed a wide range of them, including textiles, chemicals, iron manufacture, cement, sugar, matches and china clay. Cotton, engineering, tobacco, stone-dressing and matches were the chief industrial items in Hyderabad. There was less development northwards, but Indore and Gwalior had cotton mills. In all or almost all these States old industries have been expanded or new ones established during the war, in some of them on a considerable scale. Thus it may be said that the economic situation of this group of States is as good as that of any other area in India which might conceivably constitute a Dominion or Dominions, both in the variety of its production and in the balance between industry and agriculture. It would compare not unfavourably with Pakistan.

(5) Sufficient information is not available for estimating the financial position of a States Dominion or Dominions with any certainty. But, given the economic possibilities outlined above, there seems no reason to suppose that they would be unable to pay their way. The chief States already maintain military forces from their own resources, and, owing to their relatively sheltered geographical situation, the additional burden of defence involved in their change of status would be much less than in the case of Pakistan.

(6) Lastly, it might be argued that the complete separation of the States from the rest of India is the best way to preserve their princely governments. Associated, however loosely, with democratic Provinces, the States would be more exposed to subversive agitation engineered outside their borders, and their governments would be unable to deal with it as firmly as they could if they were wholly separate.

If a case can be made for a States Dominion, what are the considerations that weigh against it?

(1) In the first place the reason for Partition, the principle on which the unity of India is to be broken, is much less substantial in the case of

the States than in that of the Moslems. It is not a question of religion. There are no cultural differences between Indian and British India. The peoples of the States cannot claim, as the Moslems claim, to be in any sense whatever separate nations. The only difference is historical and political. Historically, the States, unlike the Provinces, were not conquered and annexed: their soil is not British soil. their people are not British subjects. Politically they have maintained the old Indian tradition of monarchy, and, though the *régime* is no longer so purely autocratic as it used to be, it is still very different from that of the Provinces standing on the threshold of complete popular government. But there is not so much in those two points of difference as might appear. The historical argument can be overdone. The freedom of the States from subjection to foreign rule has only been relative. The Paramount Power interferes even in their domestic affairs if sufficient cause arises. It entirely controls their external affairs. All India in some degree has been under the British Raj. Nor is there much substance in the political difference, for the simple reason that it is not static. If democracy continues to be the dominant political philosophy of the world at large, it is reasonably certain that the process, which has already begun, of developing representative and responsible government in the States will steadily continue; and, if and when it culminates in constitutional monarchy, the political difference will have virtually disappeared. Conversely, if an anti-democratic reaction should set in, or if in any case, as some observers prophesy, the trend of politics in the rest of India were to be towards some more authoritarian form of government than parliamentary democracy, the difference with the States would be similarly narrowed. It is difficult to justify the disruption of India on so unstable a basis of division.

(2) It is plain, in the second place, that most of the arguments against Pakistan apply to a States Dominion. The economic argument in particular is equally valid. Whatever the possibilities of economic development in a States Dominion, it would always be subject to serious handicaps. There are ports in Kathiawar, Cutch, Travancore and its little neighbour Cochin, but Hyderabad and Mysore have no access to the sea. Trade even between these two States, relatively so near each other, would be obliged, like trade between any of the States and the rest of India, to cross an international frontier. Reciprocal arrangements would, no doubt, be made as regards customs-duties and freight-charges since the States lie across the trade routes of the rest of India. But, beyond all question, the economic prospects of the States, like those of the Moslem 'homelands', would be brighter if they were part of a single well-balanced free-trade area.

(3) Thirdly, the argument that the Princes' prerogatives would be safer in a States Dominion than in a united India has its converse side. To insist on Partition for that reason would not only be a challenge to Indian democracy: it would also be a challenge to Indian nationalism. However firmly the Government of a States Dominion might deal with internal agitation, it

would be impossible to prevent its being prompted and inflamed from outside. 'Hopes and aspirations', wrote the authors of the Montagu-Chelmsford Report twenty-five years ago, 'may overleap frontier lines like sparks across a street.'<sup>1</sup> And such agitation, no longer checked as it is now by the laws of British India, would be far more dangerous if its promoters could maintain that the national destiny of India had been thwarted by the Princes' refusal to share their power with their peoples.

## 3

Whether the States agree to combine with British India in one Dominion or whether, failing agreement, they form a Dominion or Dominions of their own, the relationship of their Rulers with the Crown will in either case be changed. For it is the essence of Dominion Status that a Dominion's system of government contains no element of subordination to any external authority. Plainly the British Government could not continue to control the foreign affairs of the States. Nor in a Dominion could it exercise the other rights and duties of the Paramount Power. Paramountcy and Dominion Status are manifestly incompatible. Whether in a united or in a partitioned India, Dominion Status means the end of the treaty system.

For that reason, despite the terms of the resolution submitted to Sir Stafford Cripps, it seems to be by no means certain that, if the Princes were to find it impossible to come to an agreement on the constitution of a united India, they would want Partition in Dominion form. They might prefer not to constitute a Dominion or Dominions, but to retain their present status as principalities under British suzerainty. They would desire, no doubt, a modification of their present relations with the Paramount Power. They would ask, as they have asked before, for a precise definition of Paramountcy.<sup>2</sup> They would seek to limit the right of interference in the domestic concerns of their States: they would desire to be freed from the veto hitherto imposed on their entering into direct political and economic relations with each other. Some of them would want to group themselves in composite units as they would under the Dominion form of Partition. For such purposes the old treaty system would have to be revised, but its vital core would remain. The King-Emperor would still be the Princes' suzerain. Their relations with the outside world, including the new Indian Dominion or Dominions, would remain in his Government's control. Their resources would still be pledged to his aid in the event of war. And he for his part would re-affirm the old promise to protect their rights and territories from attack.

It is because this form of Partition would keep the treaty system in being that the Princes might prefer it to the Dominion form. As all their

<sup>1</sup> Cmd. 9109, par. 157.

<sup>2</sup> See Part II, 2-3.

public utterances make plain, they cling to the treaties as the main safeguard of their territories and princely rights. At each stage in the development of self-government in British India they have asked for reassurances that the treaties will be honoured, and never with more insistence and more evident anxiety than now, when the end of the process is in sight. On the eve of the Cripps Mission the Chamber of Princes passed the following unanimous resolution:

That this Chamber has repeatedly made it clear that any scheme to be acceptable to the States must effectively protect their rights arising from the Treaties, Engagements, and *Sanads* or otherwise and ensure the future existence, sovereignty and autonomy of the States thereunder guaranteed and leave them complete freedom duly to discharge their obligations to the Crown and to their subjects; it therefore notes with particular satisfaction the reference in the announcement of the Prime Minister to the fulfilment of the Treaty obligations to the Indian States.<sup>1</sup>

In their representations to Sir Stafford Cripps, the States Delegation declared that their attitude was summed up in this resolution. 'The Indian States', they added, 'will be glad as always, in the interest of the Motherland, to make their contribution in every reasonable manner *compatible with the sovereignty and integrity of the States*, towards the framing of a new Constitution for India.'<sup>2</sup>

It might be supposed that, if the rest of India had attained the full freedom of Dominion Status, the maintenance of the treaties with the States would seem to be derogatory. Would not the States Governments stand on a lower footing than the Government of an Indian Dominion, at liberty to shape its foreign policy as it chose, even to abandon its allegiance to the British Crown and secede from the British Commonwealth? But that, it seems safe to say, is not how the Princes would judge the situation. They would not feel that they lost prestige because their States were under the King-Emperor's protection. They want that protection, they would argue, and, in order to obtain it, they willingly accept their treaty obligations to render him certain services and to concede him certain rights. They regard the treaties as freely negotiated bilateral agreements, almost indeed in some cases—though this interpretation has been repudiated by the British Government<sup>3</sup>—as instruments of alliance rather than of subordination.

It would lie far beyond the scope of this Report to examine the treaties<sup>4</sup> in detail or to venture into the mazes of the legal controversy which has long surrounded them. For present purposes it will suffice to state the main facts.

(1) It is not contested that the Princes have honoured their share of

<sup>1</sup> *Session of the Chamber of Princes*, March 1942, p. 48.

<sup>2</sup> Cmd. 6350, p. 16. Italics not in the original.

<sup>3</sup> Part II, 3.

<sup>4</sup> Only a small number of the instruments are actually in the form of Treaties, but the word will be used for convenience to cover also the *Sanads* and Engagements.

the treaty-compact. In particular, in this war as in the last, they have taken their full part in the war-effort, and their loyalty to the common cause is fully appreciated by the British people. By their acceptance, moreover, of arrangements to promote a unified system of posts, customs, currency and railways, they have done much to facilitate the development of British policy for India as a whole.

(2) On the British side the treaty-obligations vary widely between State and State, but there are certain major principles that are regarded as applying to all of them alike (in so far as they can be regarded as States rather than as mere estates). Broadly speaking, the British Government has promised to protect the territorial integrity of the States and the sovereignty of their dynastic rulers.

(3) These obligations do not stand, so to speak, *in vacuo*, nor as if they had been undertaken yesterday. They have come to be interpreted in the light of decisions made and action taken from time to time during more than a century past. To put it in technical terms, the relations between the Paramount Power and the States are determined not only by the letter of the treaties but also by usage and sufferance.

(4) With this proviso the observance of the treaties has been regarded as a debt of honour by the British Government ever since it assumed direct responsibility for Indian policy on the morrow of the Mutiny. 'We hereby announce to the native princes of India', runs the often-quoted passage in Queen Victoria's proclamation of 1858,

that all treaties and engagements made with them by or under the authority of the Honourable East India Company are by us accepted and will be scrupulously maintained. . . . We shall respect the rights, dignity and honour of the native princes as our own.<sup>1</sup>

The gist of that promise has been frequently repeated since Queen Victoria's day in royal proclamations or in statements by Viceroy in India and by Ministers at Westminster. The last re-affirmation has been that given by Mr. Amery in the House of Commons on December 3, 1942. Asked

whether the proposals of Sir Stafford Cripps had taken full notice of the treaties between the Crown and the Princes of India, whether these treaties remain valid in their integrity, and whether he would undertake that they would not be changed by any constitution-making body without the assent of the parties concerned,

he replied:

The questioner, no doubt, refers to the various treaties, engagements and *sanads* defining the relations of the Crown and the Rulers of Indian States. The interpretation of the original terms of certain of these engagements has, as is well known, been affected over a long period by usage and sufferance, but, subject to that qualification, the answer to all three parts of this question is in the affirmative.<sup>2</sup>

<sup>1</sup> A. B. Keith, *Speeches and Documents on Indian Policy, 1750-1921* (World's Classics, 1922), i, 383.

<sup>2</sup> *Hansard*, H. of C., vol. 385, col. 1281-2.

(5) The law can only take account of usage and sufferance, but there is also a moral proviso which is insusceptible of legal definition. No undertaking can be rightly interpreted without weighing the effect of lapse of time and change of circumstance. It is not only a question of material factors: it is also a question of morals. No compact can endure when, owing to the evolution of ideas, it has ceased to square with general conceptions of right and wrong. In this sense *rebus sic stantibus* is the implicit condition of every treaty. And certainly things no longer stand in India as they stood when most of the treaties were made. It was assumed, for instance, by those who made them, that British rule in India would continue. Indeed they were made on the British side solely for the purpose of maintaining it. Manifestly the whole situation is very different when the British Government has declared its intention of bringing British rule to an end as soon as possible. Pledges, again, to protect the dynastic rights of the Princes must needs read differently now from the way they read a century or more ago. When, for example, Metcalfe signed in 1818 a treaty which declared that the 'Maharajah [of Bikaner] and his heirs and successors shall be absolute rulers of their country',<sup>1</sup> he was intending to safeguard the ruling dynasty primarily against British usurpation of its rights and possibly also against the claims of rivals to the throne. He was certainly not contemplating the possibility of democratic agitation. Democracy as practised now in Britain or in an Indian Province was almost as inconceivable to the British governing class in the early nineteenth century as it was to an Indian Prince. Thus, the development of Western political thought, quite as much as usage and sufferance arising from acts of interference by the British Government with a Prince's absolute authority, has made it impossible to construe such pledges literally. Is it conceivable that the British Government should lend its aid to prevent the development of constitutional government in the States when it has not only promoted that development in the neighbouring Provinces for many years past but actually brought it in recent years to its almost complete culmination by Act of Parliament?<sup>2</sup>

Such in broad outline is the treaty system which, it has been suggested, the Princes might wish to retain if Indian India were separated from British

<sup>1</sup> Part I, 154. Similar provisions will be found in other treaties of the period. For example—Bharatpur, 1803, article 3. 'The British Government shall never interfere in the concerns of the Maharajah's country, nor exact any tribute from him' (C. U. Aitchison, *Collection of Treaties, Engagements and Sanads relating to India and Neighbouring Countries*, 4th ed., Calcutta, 1909, vol. iii, p. 274). Udaipur, 1818, article 9: 'The Maharana of Oudeypore shall always be absolute ruler of his own country, and the British jurisdiction shall not be introduced into that principality' (*ibid.*, iii, 31). Dewas, 1818, article 5: 'The British Government agrees to consider the Rajahs Tookajee Puar and Anund Rao Puar in every respect the rulers of their present possessions, and engages to give no protection to any of their discontented relations or dependants, and not to interfere in the internal administration of the country' (*ibid.*, iv, 253).—A vivid and scholarly account of the circumstances in which the treaties of this period were made will be found in E. Thompson, *The Making of the Indian Princes* (Oxford, 1943).

<sup>2</sup> On the question of protecting a Prince against insurrection, see the *Report of the Indian States Committee, 1928-29* (Cmd. 3802), pars. 49-50. 'No such case has yet arisen, or is likely to arise, if the Prince's rule is just and efficient.'



India under the new *régime*. It remains to consider briefly how that project would be likely to work in practice. Would its prospects be more or less favourable than those of a States Dominion?

(1) The cardinal point of the project is the continued exercise of the paramount power for the protection of the territorial integrity of the States and the sovereignty of their Rulers. The first of these two objects would presumably be secured by the international character of the settlement. The States would be under British protection. That an Indian Dominion should attempt to occupy and annex any part of them seems inconceivable. It would be an act of war. The same considerations would apply if the States were invaded by an army of *satyagrahis*, bent on attacking the Princes' sovereignty by 'non-violent' means. But the protection of the Princes' prerogatives in face of a demand on the part of their own subjects for constitutional reform would be a different matter. It would be a domestic, not an international question. And to afford that protection British forces would have to be stationed in the States. They need not, it might be said, be large forces. The stronger States have troops and police of their own and can deal unaided with normal breaches of the peace. The agitation promoted by the Congress in 1938-9 did, it is true, result in constitutional concessions on the part of several Rulers; but, in the larger States at any rate, it never got out of hand.<sup>1</sup> There were outbreaks in some States in the rebellion of 1942, but they were quickly suppressed without external aid.<sup>2</sup> The Princes, it may be supposed, would be satisfied with a relatively small British ground force if a detachment of the Royal Air Force were also stationed in the States. Nor would such an arrangement seem undesirable on the British side from a purely military point of view. A group of aerodromes, occupied by British airmen, in the heart of India would accord with the strategic needs of the British Commonwealth. But it would not accord with the moral implications of British policy. It is now generally agreed that the chief hope not only of an intercommunal settlement but also of a better understanding between India as a whole and Britain lies in the elimination of the 'imperial factor'; and for that reason it will be argued in the next chapter that, while an Indian Dominion may wish that British forces should be stationed on its soil—for the time being and by treaty-agreement—in order to protect the frontier from external attack, such forces should be used for that purpose only and not for helping the Dominion to keep its own domestic peace. But the project now under discussion assigns that latter duty to the British forces in the States; and, though in fulfilling it they would operate only within the States, their presence would underline the contradiction inherent in the whole project, the contrast between part of India wholly independent and part of India still under British suzerainty. The picture of an India delivered at last from British imperialism would be blurred if anywhere

<sup>1</sup> Part II, chap. xvi.

<sup>2</sup> *Ibid.*, p. 301.

within the Indian frontiers British forces were required to take action against Indians.

(2) For that reason, indeed, the continuance of British protection might well go far to defeat the purpose it was meant to serve. Democratic agitation against the Princes has always linked their cause with that of the British Raj. One of the main reasons given by the Congress Working Committee for rejecting the Draft Declaration was that under its provisions the States' representatives on the constitution-making body would be appointed by their Rulers, not chosen by their peoples, and under a constitution so framed they envisaged the States as continuing to violate not only the principle of democracy but also the principle of free Indian nationhood.

Such States may in many ways become barriers to the growth of Indian freedom, enclaves where foreign authority still prevails and where the possibility of maintaining foreign armed forces has been stated to be a likely contingency and a perpetual menace to the freedom of the people of the States as well as of the rest of India.<sup>1</sup>

Clearly this line of attack would be greatly reinforced if the contingency were realised, and realised, moreover, not in a united but in a disrupted India. It is easy to imagine the sort of propaganda that Indian nationalists would set on foot. The new *régime* would be denounced as the outcome of a deliberate conspiracy against Indian democracy and Indian nationhood. An unholy bargain had been struck, it would be said, for the mutual preservation of the Princes' autocracy and the British Government's grip on India.

(3) It may also be asked how long British public opinion would acquiesce in the continuance of so anomalous a situation. The British people, it need hardly be said, have no personal prejudice against the Princes. Such prejudice as they have in the matter is the natural prejudice of twentieth-century democrats against the principle of autocracy, whether it operates in Asia or in Europe. They know—or ought to know—that, while some States are backward, the administration of justice and the provision of social services are as good in others as they are in British India, and that in several cases the traditional devotion of the mass of the countryfolk to the person of their Ruler is still maintained. And the British people intend to honour their undertakings. But, as explained above, those undertakings cannot now be so interpreted as to require the aid of British forces to repress agitation for constitutional advance. And why, the British people might well ask, should they be needed for that purpose? Constitutional advance in the States is already under weigh. It has been openly encouraged by the British Government. It may reasonably be expected to continue after the war is over, and perhaps at a quicker pace. Is there, then, any real danger of a popular agitation, so powerful and unruly as to call for British aid in its repression, unless a Ruler had sharply halted the process of constitutional development and had antagonised not merely a clique or a class but the great body of his subjects? And is it likely that the British people

<sup>1</sup> Cmd. 6350, p. 17.

would continue to tolerate a political arrangement which required British soldiers and airmen to fire on Indian mobs in order to maintain an undemocratic system of government? They acquiesced in such action in 1942 only because the full freedom of India had been promised and because to yield to Mr. Gandhi's rebellion would have prevented the execution of that promise, thrown all India into chaos, and opened the way to a Japanese invasion. Would they acquiesce in the prospect of such repressive British action as a permanent feature of the new post-war *régime*? It is not dishonourable to say No. On the contrary, honesty requires that no hope should be held out of any other answer. It is cold common sense to say that, when the transition to a new order in India has been accomplished, it will not be possible for British forces to be used to prevent the evolution of constitutional government anywhere in India in face of British public opinion and in full view of the other free peoples of the world.

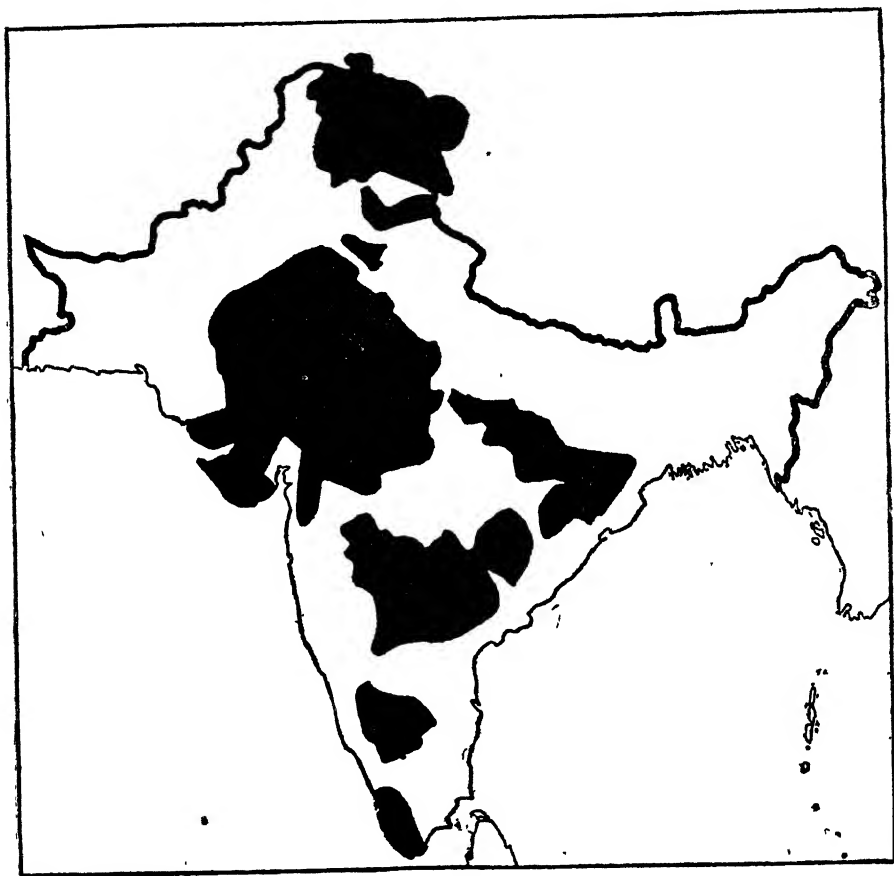
(4) It must be remembered, lastly, that the maintenance of British forces in the States for the purposes of domestic security involves the British Government in an obligation to ensure that the methods and standards of administration are not such as to give grounds for agitation and disorder. Thus the project implies the continuance in effective form of British power to interfere in the internal government of the States.

## 4

In view of the foregoing, the project of a union or unions of separated States with less than Dominion Status seems so plainly undesirable from the standpoint of all parties concerned that it seems unlikely to become 'practical politics'. Nor, indeed, should the question of Partition in any form between the States and the rest of India be regarded as more than a hypothetical question. As has already been pointed out, the fact that the Princes have asked a question about Partition should not be construed to mean that they desire it. They are Indian patriots. They want to see India take her due place in the world. And they know that that is also the wish of the British people. They might, indeed, as suggested in Chapter IX, desire to hold aloof if the rest of India were divided into two or more Dominions. But, if the rest of India could compose its differences and maintain its unity, it seems safe to assume that the Princes would not choose Partition unless they were compelled to choose it.<sup>1</sup> And is it reasonable to suppose that they would be so compelled? They would only be so compelled if the statesmen of British India, having come to an agreement for keeping the Provinces united, should also be agreed in seeking to impose on the States something like the revolutionary Congress policy of 1938-9 as a condition of their entry into the Union. And is it likely that the same statesmen who had

<sup>1</sup> Sir C. P. Ramaswami Aiyar, *Diwan of Travancore* and one of the ablest of the States' Ministers, said in January, 1943: 'If any Indian State, while asserting its right to internal sovereignty, is unresponsive to national tendencies or is not working in harmony with national policy elsewhere in India, that State does not deserve to live.' *Reuter*, Madras, Jan. 19, 1943.

solved the more intractable Hindu-Moslem problem by compromise and common sense would throw them both to the winds in dealing with the States? Nor is it to be supposed that they would be tempted to pursue an intransigent and coercive policy in the belief that the States would be too weak to resist it. The States would have the option of Partition. It would be feasible to exercise it, since, as has been seen, the States or most of them could constitute a Dominion or Dominions which would have at



least as good prospects of maintaining their independent life as Pakistan. And, while there would be great disadvantages to the States in Partition, the disadvantages to the rest of India would be still greater. An India deprived of the States would have lost all coherence. For they form a great cruciform barrier separating all four quarters of the country. If no more than the Central Indian States and Hyderabad and Mysore were excluded from the Union, the United Provinces would be almost completely cut off from Bombay, and Bombay completely from Sind. The strategic and economic implications are obvious enough. The practicability of Pakistan

must be admitted, but the more the separation of the States from British India is considered, the more impracticable it seems. India could live if its Moslem limbs in the North-West and North-East were amputated, but could it live without its heart? That is why the problem of the States has been treated in this Report as a secondary problem. From every point of view the Hindu-Moslem problem is more difficult. If that can be solved, *a fortiori* the problem of the States is soluble.

It remains to consider some of the possible main features of a constitutional settlement between the Provinces and the States.

(1) The constitution would presumably affirm the territorial integrity of the States. Provision might be made for the readjustment of frontiers by consent and for the settlement of minor boundary disputes by arbitration.

(2) The constitution would doubtless also recognise the existing Governments of the States. Thus the guarantees of the treaties, the continuance of which, it has been pointed out, would be incompatible with Dominion Status, would be replaced by the guarantees of the constitution. The Government of a State, like that of a Province, would be the Government by law established, and it would be equally entitled to the aid of other Governments at need for the maintenance of that law. If the States were associated with Provinces in Regions, the combined Regional police forces would be available in the last resort. If the Regional system were not adopted or only partially adopted, or if in either case the States should decline to be associated with it, most of them would presumably group themselves, possibly on the lines of the existing Agencies, for the common handling of common interests;<sup>1</sup> and for the ultimate preservation of law and order they might all agree, whether grouped or singly, to come to each other's assistance. In that event there should be no need of further aid from outside their borders.

(3) With regard to other 'subjects' besides law and order, the autonomy of the States, like that of the Provinces, would be greater than that provided in the Act of 1935 in so far as fewer 'subjects' would (as suggested in Chapter XI) be allocated to the Centre. This would seem to necessitate the kind of grouping referred to above, since some of the 'subjects' transferred from the Federal and Concurrent Lists of 1935, while within the administrative capacity of a Province, would be quite beyond the powers of many single States. The States, again, might make more use of permissive Central legislation than the Provinces.

(4) Under the existing *régime* certain States have agreements with the Paramount Power relating to the operation by adjoining Provinces of services which are of common concern to both the Province and the State, such as forest exploitation or the collection of local taxation on motor vehicles or liquor excises. It would have to be provided, therefore, that the Provinces would discharge themselves in future the obligations, generally in the form of money payments, contracted by the Paramount Power with the States on

<sup>1</sup> Several of the smaller States in Central India have recently combined to form a scheme of administrative co-operation.

their behalf in return for the rights so acquired. Similarly, provision would be needed for the discharge of obligations undertaken on behalf of the existing Centre in agreements negotiated between the Paramount Power and the States, as for example for the abolition of transit duties, the exploitation of salt concessions or the extension within State territory of the Indian postal and telegraph system. Under the Act of 1935 the maintenance of the rights of the States in such matters would have been secured in their Instruments of Accession. Thus their interpretation would have come within the purview of the Federal Court. It might accordingly meet the wishes of the parties to set up as part of the new constitution a separate permanent tribunal to which the claims of the Centre, the Provinces or the States regarding the interpretation and fulfilment of these numerous past undertakings could be referred for adjudication in the form of declaratory judgments.<sup>1</sup>

(5) A difficulty arises when the representation of the States at the Centre is considered. Suggestions have been made in previous chapters as to possible ways of establishing a 'communal balance' at the Centre as far as British India is concerned. It might be argued that the representation of the States would not seriously disturb that balance. The States' Governments, it has often been said, are less communal-minded than most British-Indian politicians, and it was generally agreed, when the Act of 1935 was being framed, that the States' representatives at the Centre would exercise a neutral and conciliatory influence as between the rival communities in federal affairs. But the fact remains that the great majority of the rulers of the States are Hindus, and that about 55 million of their peoples are Hindus and only about 12 million Moslems.<sup>2</sup> And Moslem separatists might hold that, even if a Hindu-Moslem 'balance' for British India could be established at the Centre, the addition of this preponderantly Hindu block of States would convert it into a Hindu Raj. Regionalism disposes of this difficulty. One of its merits, as Sir Sikander Hyat Khan pointed out,<sup>3</sup> is that it brings the States to the Centre not as a single block confronting the Provinces, but already combined with the Provinces in their respective Regions. For that reason among others it is greatly to be hoped that, if the Regional solution of the problem should commend itself to British-Indian statesmen, the Princes, knowing that the domestic autonomy of their States would be as strictly protected as that of the Provinces, would not hold aloof. But suppose they did. It has already been suggested that some or all of the Hindu-majority Provinces might not wish to combine in Regions, and that in that event they might still accept the Regional principle for representation at the Centre. Could not the States do likewise? Could not their Governments come to an agreement with the Governments of those Provinces, which would have been associated with them if a full-scale Regional system

<sup>1</sup> For criticism of the existing system of adjudication, see *Report of the Indian States Committee, 1928-29*, paras. 79-105.

<sup>2</sup> The Scheduled Castes number 8,892,000.

<sup>3</sup> P. 116 above.

had been adopted, as to the policy to be pursued at the Centre? Then their representatives would go to the Centre with the same instructions as the Provincial representatives, and the 'balance' would not be upset.

(6) Paramountcy would automatically disappear with the disappearance of the treaty system, except, perhaps, in one respect. From time to time there have been, and presumably still will be, disputes as to the succession to the Rulerships of States. Under the present *régime* such a dispute is finally settled by the Paramount Power, *i.e.*, by the British Government on report from the Crown Representative, who in turn has received a report from his political agent in the State concerned. The simplest method of adjudication under the new *régime* might seem to be to constitute a panel of leading Princes for the purpose; but it seems likely that they would prefer to retain the external authority of the British Crown. Such an arrangement on so domestic an issue could not be regarded as seriously infringing the national independence of India, and there seems to be no reason why the statesmen of British India or the British Government should refuse to acquiesce in it, though both parties might prefer a purely Indian arrangement.

The prospects of an all-India union of Provinces and States, whether on some such lines or on any others that might be devised, would be greatly brightened if the Princes were actively to promote it. The part they have so far played in the constitutional discussion has been more or less negative. They have stood aside and said little. Their silence has sharply contrasted with the clamour of conflicting parties in British India. They may think it wise to maintain it, to wait and see. But is that the best service they can render to India at this historic crisis, and not to India only? British India seems caught in a deadlock from which there is no way out. Could not Indian India come to the rescue? The Princes are well qualified to take a hand in the work of mediation and construction. They are freer than most British-Indian parties from the meshes of communalism. Among their advisers are some of the most gifted and experienced statesmen in all India. They claim to be champions of Indian nationalism. Is not this the moment, when national freedom seems unobtainable for lack of any reasonable plan for obtaining it and national unity is threatened with disruption, to prove their claim in action? If the Princes were now to take the lead, if they could discuss amongst themselves and with British-Indian leaders the principles and possibilities of a constitutional settlement, the deadlock might conceivably be broken. If that should prove in the event to have opened the way to a general agreement and thus to the swift attainment of India's national destiny, the Princes would have won for their Order a high place in Indian history. Monarchy, it might be said, had done the same kind of service to the national cause in India as it once did in England.

Outside observers of the Indian scene might be tempted to pursue that analogy further. If nationalism is one of the two main forces in the political life of India, the other is democracy. Is there any valid reason why the

Princes should not identify themselves with both? In Britain and other European countries constitutional monarchy has been found to be the most convenient form of democracy; and when Indian democrats say that in twentieth-century India monarchy is doomed, do they not mean autocracy? If so, most Western democrats would probably agree; and they might go on to argue that a monarchy which sheds itself of absolutism might last as long in India as it has in Europe. The philosophy of Western democracy is evolutionary, not revolutionary; and its adherents are unlikely to sympathise with demands for a sudden and sweeping change in the government of the Indian States. But the existing anomaly is plain enough. If it does not actually prevent an Indian settlement, it may still make it an uneasy, and precarious settlement. If, on the other hand, the Princes were to commit themselves to a steady and finally complete development of democratic institutions—in whatever form might seem most suited to conditions in their States—then the anomaly would *pari passu* disappear, the breach made by the British Raj between the two great sections of India would have been at last restored, and monarchy would have preserved its place in India, as it has elsewhere, not by clinging to prerogative, still less by asking aid of foreigners, but by adapting itself to the progress of democracy throughout the world.

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## CHAPTER XIII

### BRITISH OBLIGATIONS

A CONSTITUTIONAL settlement will herald the immediate enfranchisement of India, the immediate transfer of all powers of government from British to Indian hands. 'The moment the new constitution comes into operation,' said Sir Stafford Cripps at Delhi, 'the change-over takes place.'<sup>1</sup> This statement was based on a presupposition. It assumed that agreement would be reached not only between Indians as to the form of their constitution, but also between the Indian constitution-makers and the British Government as to the manner in which certain responsibilities hitherto vested in the British Government would be discharged under the new *régime*. Such an agreement has always been a condition of final British abdication. It was laid down in the 'August Offer' of 1940, and Sir Stafford Cripps discussed it in the spring of 1942. The necessity of observing it was one of the reasons why the Congress Working Committee's demand for immediate abdication in the autumn of 1942 was plainly unacceptable.<sup>2</sup> For a long time past Britain has maintained the unity and safety of India. Can anyone believe she would be justified in leaving India exposed to attack from without and to anarchy within? And there are more specific obligations. In the forefront are the treaties with the Princes and the pledges given to the minorities. 'There we are', said Burke of British rule in India 160 years ago: 'there we are placed by the Sovereign Disposer, and we must do the best we can in the situation. The situation of man is the preceptor of his duty.' We are still there, and our duty is still plain.

#### 1

The first British obligation, when the transfer of full power is effected, is to provide such assistance as India may require for the time being for defence against external attack.

This, of course, is not a matter which concerns Britain and India only. It affects the vital interests not only of the whole British Commonwealth but of all the United Nations. The war has proved that the security of India is a strategic necessity for the maintenance of peace and freedom in the world. On one side lie China, Burma, Malaya, the Dutch East Indies and the approaches to Australia and the Pacific: on the other, the Middle East and the approaches to South Africa and the Suez Canal. Clearly the defence of India is one of the matters with which the United Nations must concern themselves when the war is over if they hope to establish any sort of system of general security. And a free India, for her part, is bound to

<sup>1</sup> Part II, 277.

<sup>2</sup> *Ibid.*, chap. xxii.

welcome international co-operation, since, for some time to come, she will be unable to provide herself with an adequate system of defence unaided.

If free India should choose to remain within the British Commonwealth, she could rely on its other Governments to give all possible assistance in the event of war. But, unlike most of the Dominions, the geographical situation of India would necessitate in peace time the stationing of British forces on Indian soil and their correlation with Indian forces in a joint system of defence. This would naturally form the subject of a treaty between the Governments concerned. The conclusion of such a treaty is contemplated in the Draft Declaration of 1942. It is described as covering 'all necessary matters arising out of the complete transfer of responsibility from British to Indian hands';<sup>1</sup> and that an arrangement for British assistance in defence would be one of those matters was implied at one of the Press Conferences held by Sir Stafford Cripps at Delhi. 'No Imperial troops will be retained in this country', he said, 'except at the request of or by agreement with the new Indian Union or Unions.'<sup>2</sup> There are precedents for such an arrangement. Under the Smuts-Churchill agreement of 1921, while the Union Government is responsible for the whole coastal defence of South Africa, the British Government is permitted to use the port of Simonstown as a naval base and to maintain its own naval dockyard there.<sup>3</sup> Under the seventh article of the Anglo-Irish Treaty of 1921, cancelled by agreement in 1938, the defence of certain specified ports was to remain in British hands and facilities were to be provided for coastal defence by air and for the storage of oil fuel.

These are Commonwealth precedents. Others may be found in British relations with foreign Powers, and these, of course, would equally apply to India whether she chose to retain her Dominion Status or to secede from the Commonwealth, since a Dominion controls its international relations with the same independence as a foreign Power. The most remarkable of the extra-Commonwealth precedents is the agreement concluded in principle in 1940 and in detail in 1941 for the leasing to the United States of defence bases in Newfoundland, the British West Indian islands and British Guiana. Perhaps the most striking aspect of this agreement is the proof it affords that international co-operation of that kind is necessitated by modern conditions of defence and cannot be regarded as lowering a nation's status in the world or derogatory to its own self-respect. But the most useful precedent for the purposes of the present discussion dates back to before the war. The British occupation of Egypt some sixty years ago was mainly due, as is well known, to the need for safeguarding the free passage of the Suez Canal; and when, after the last World War, Egyptian nationalism demanded that Egypt should be freed from the British Protectorate and become a wholly independent State, the safety of the Canal was still the primary problem. Thus, while the Milner Mission of 1919-20 recommended the abolition of the Protectorate, it proposed that a Treaty of Alliance

<sup>1</sup> *Ibid.*, 387.

<sup>2</sup> *Ibid.*, 275.

<sup>3</sup> U. G., *Correspondence re Defence of the Cape Peninsula*, 1921.

between Britain and Egypt should be substituted for it and that this Treaty should concede to Britain certain rights on Egyptian territory for the purpose of defence. Accordingly, when the British Government announced in 1922 that 'the British Protectorate over Egypt is terminated and Egypt is declared an independent Sovereign State', it reserved certain questions for further 'free discussion and friendly accommodation on both sides', of which the most important were (a) 'the security of the communications of the British Empire in Egypt', and (b) 'the defence of Egypt against all foreign aggression or interference'.<sup>1</sup> After protracted negotiations a Treaty of Alliance was concluded in 1936.<sup>2</sup> Its first article read: 'The military occupation of Egypt by the forces of His Majesty the King and Emperor is terminated.' Article 4 established the alliance. Article 8 was as follows:

In view of the fact that the Suez Canal, whilst being an integral part of Egypt, is a universal means of communication as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorises His Majesty the King and Emperor to station forces in Egyptian territory in the vicinity of the Canal, in the zone specified in the Annex to this Article, with a view to ensuring in co-operation with the Egyptian forces the defence of the Canal. The detailed arrangements for the carrying into effect of this Article are contained in the Annex hereto. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

It is understood that at the end of the period of twenty years specified in Article 16 the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal may, if the High Contracting Parties do not agree thereon, be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such other procedure as the High Contracting Parties may agree.

The annex to this article limited the British land force to 10,000 men and the air force to 400 pilots, exclusive of ancillary personnel; defined the areas in which they would be stationed west and east of the Canal; and required the provision of the requisite land, barrack accommodation and water-supply and the improvement and upkeep of communications by road and rail.<sup>3</sup>

This procedure would clearly be applicable to the case of India. In a free India, as in freed Egypt, such British forces as were needed would cease to be forces of occupation: their presence on Indian soil by bilateral agreement would 'in no way prejudice the sovereign rights' of India; and, since the duty of maintaining internal security would be vested solely in

<sup>1</sup> Cmd. 1592.

<sup>2</sup> Cmd. 5860.

<sup>3</sup> A closely similar treaty (Cmd. 3797) was concluded between Britain and Iraq in 1930 'on terms', as the preamble ran, 'of complete freedom, equality and independence'. On all the main points it corresponds with the Egyptian treaty.

the Indian Government, the location of the land forces would seem naturally to lie in the neighbourhood of the north-west and north-east frontiers, just as their location in Egypt lies near the Canal. It must be remembered, however, that the development of air warfare necessitates defence in depth, and that aerodromes would be required at various distances from the frontier. Nor should it be overlooked that a free India will depend on external aid for her defence by sea even more than by land, and that facilities for British naval and coastal air forces would be needed at the major Indian ports.

It used to be suggested by foreign critics of British policy that the Anglo-Egyptian Treaty was an example of 'camouflaged imperialism'. It meant, it was said, that Egypt's foreign relations would be firmly subjected to British control in British interests. That slander has been exploded by the events of the present war. Egypt has wanted to keep out of it. Not only has she attained her desire, she has only been enabled to attain it in face of the undisguised intentions of the Axis Powers by the presence of British forces on her soil.

## 2

Next to the safety of India come the treaties and agreements with the Princes and the promises made to the minorities.

The position of the Indian States and their Rulers under the new *régime* has been discussed in the preceding chapter. It was there suggested that the territorial integrity of the States and the status of their governments would be recognised, and the extent of their autonomy defined, in the constitution. The safeguard of the treaties would be replaced by the safeguard of the law. Paramountcy would disappear except in so far as it might be agreed that succession-disputes should still be decided by the Crown in the United Kingdom. In other words, the treaty system as a whole would be superseded and abrogated by mutual consent.

The minorities present a somewhat different problem. There is no question here of formal treaties and agreements, but there is a general obligation and there are specific pledges.

The general obligation arises from the fact that the relationship between majorities and minorities in India, which had previously been determined by the will of the stronger party, was transformed by the expansion of neutral British rule and that for over a hundred years India has been governed by a system of law and administration under which communities, like individuals, have been equally entitled to protection. Clearly the British Government must be satisfied that the abdication of its authority does not mean a reversion to the principle of 'might is right'. Clearly it must require that a similar measure of protection is provided by the new *régime* as by the old. So much for the general obligation. Of several particular pledges the last—the pledge in the 'August Offer' of 1940—contains the gist of them all.

It goes without saying that they [the British Government] could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.<sup>1</sup>

This pledge was interpreted as giving the chief minorities a *liberum veto* on the framing of the constitution. They would pitch their claims, it was said, at a wholly unreasonable height in the certainty that they would not be compelled to accept any settlement to which they did not consent. As regards the greatest minority, the Moslems, that interpretation was invalidated by the Draft Declaration. It conceded the option of Partition and so precluded a deadlock: for it was understood that Partition would be regarded as a final settlement of the communal conflict in constitutional terms and that, if they chose Partition, the Moslems could not then hold up the framing of a constitution for Hindu India by pressing the claims of Moslem minorities therein. But what of other important minorities—the Scheduled Castes, for example, or the Sikhs? Their problem would not be susceptible of treatment in the last resort by the surgery of Partition. Might not their demands create a deadlock?

There seem to be two answers to that question. In the first place, it has been suggested in Chapter VI that the Congress proposal for referring points on which intercommunal agreement proved impossible to arbitration might well be adopted by all parties in the Constitutional Convention. In that event the minorities would be expected to acquiesce in the arbitral decision. Secondly, as regards questions that would not be arbitrable—and these, it was pointed out, would be the major questions—the pledge must surely be interpreted in the light of common sense. An obstinate intransigence, extravagant claims that defied all reasonable canons of justice, could scarcely entitle a minority to the fulfilment of the letter of the pledge in contradiction of its spirit. Some Indian nationalists, it is true, aver that that is precisely what the British Government contemplates: that it expects such intransigence and would welcome the deadlock it would create as an excuse for maintaining its imperial grasp on India. But is it in fact to be expected that the Scheduled Castes or the Sikhs, for example, will be intransigent? Their leaders are experienced and responsible men. Are they likely to hold up the freedom of all India by making demands which were clearly quite unreasonable? And, if they did, is it conceivable that British Ministers would affront their own public opinion and the judgment of the world at large by backing them?

Assuming that a constitution is drafted in which, with or without recourse to arbitration, the minorities have acquiesced, will British obligations towards them have thereby been discharged? The authors of the Draft Declaration apparently thought not: for of the 'necessary matters' to be covered by the projected treaty between the British Government and

the constitution-making body they singled out this particular matter for specific mention. The treaty 'will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities'.<sup>1</sup>

This proposal seems open to some serious objections.

(1) It does not accord with Dominion Status. True, the treaty is to be a bilateral treaty, freely concluded by both parties, and it has been explained that such a treaty might provide for British assistance in the defence of India without any infringement of India's sovereign independence. But it is one thing for Britain to help India in guarding a frontier whose safety is vital not only for India but for any international system of security, and it is quite another thing for Britain to possess a right of interference in India's internal affairs. It is inconceivable that any Dominion would concede such a treaty right to Britain. The closest analogy is to be found in Canada. By the Treaty of Paris in 1763 the British Government undertook to maintain 'the liberty of the Catholic religion' in the territories annexed from France, and in the Quebec Act of 1774 the British Parliament made this undertaking good. The development of Provincial self-government in due course led up to the framing of a national constitution, and in that process the French-Canadians after full discussion secured their religious and cultural rights. As a result of the enactment of this agreed constitution in 1867 Britain was absolved of all further obligation towards the French-Canadians or any other minority in Canada. The constitution itself, it is true, can be amended or repealed by an Act of the British Parliament, but the Statute of Westminster has provided that no such Act shall extend to a Dominion 'unless it is expressly declared in that Act that that Dominion has requested and assented to the enactment thereof'. It is, in fact, unimaginable that Canada or any other Dominion could tolerate Britain's possession of a right to interfere in its domestic life. Treaties or conventions for aid in external defence are consonant with Dominion Status. A minority treaty emphatically is not.

The position would be the same if India should elect to secede from the British Commonwealth. It will be remembered that the Minority Treaties in Europe provoked the resentment of the countries concerned because they were one-sided and did not apply to all countries affected by minority problems.<sup>2</sup> And the projected Anglo-Indian treaty would certainly be one-sided: it would give India no right to interest herself in 'the protection of racial and religious minorities' in Britain. It will be remembered, too, how seriously Britain's relations with China were impaired by the 'Unequal Treaties' until they were happily abolished. Nor should the Egyptian precedent be overlooked. The foreign communities in Egypt constitute a minority problem, and before the Anglo-Egyptian Treaty of 1936 their protection was regarded as one of the functions of the British Protectorate. But in Article 12 of that Treaty the British Government declared 'that the

<sup>1</sup> *Ibid.*, 387.

<sup>2</sup> See p. 59 above.

responsibility for the lives and property of foreigners in Egypt *devolves exclusively upon the Egyptian Government*, who will ensure the fulfilment of their obligations in this respect'.<sup>1</sup>

(2) A second objection is the manifest difficulty of operating the treaty. How in fact would the minorities be 'protected' by it? It assumes that a constitutional settlement has been made in which the minorities have acquiesced. Presumably, therefore, the treaty would do no more than provide a joint guarantee of the validity of the constitution. But how, if the need arose, could the British Government fulfil this obligation? How could it deal with an alleged infringement of the constitution? Could it conduct its own inquiries in India as to the truth of the allegation? And, if the truth were somehow demonstrated, what next? By what means could the British Government induce the Indian Government to observe the treaty which, in the former's opinion, the latter had violated? In the first instance, no doubt, it could bring to bear such diplomatic and other forms of pressure as are available to one independent State in dealing with another. But in the last resort it would be a question of force. And would not that imply the use of the British forces which under the same or a concurrent treaty were stationed in India to aid in its external defence? That in itself would be paradoxical enough, but it would also violate the basic principle of the defence convention, namely, that the British forces were to be used in India as in Egypt for external defence alone. And the practical difficulties seem no less formidable. It is hard to imagine what would happen if, when British and Indian forces were closely linked in a combined system of defence, the British Government should want to use the former in order to compel the Indian Government to observe the treaty.

(3) In the third place it is surely desirable that the British surrender of its powers in India should include the surrender of all its present responsibilities in communal affairs, provided only that it can be honourably done. It is possible to repudiate the assertion that the British Government has deliberately stimulated, if not actually created, communal antagonism in order to strengthen its own position, and yet at the same time to admit that the continuance of British rule helps to keep the quarrel alive. As long as they are not themselves responsible, and exclusively responsible, for the internal peace of India, the rival communities are inevitably tempted to evade the duty of coming to terms among themselves and to try to secure their ends by bringing pressure to bear on the British Government. The best way, in fact, to promote peace between them is to make it nobody's business but their own, and the only way to do this is—to borrow a familiar phrase from the South African controversy at the end of last century—to 'eliminate the Imperial factor'.

(4) Lastly, it might be asked whether the proposed treaty would really serve the interests of the minorities it had been designed to protect. It was suggested in the preceding chapter that for the Princes to stand aside from

<sup>1</sup> Cmd. 5360, p. 11.

a free India and to continue to rely for the maintenance of their sovereignty on British Paramountcy would expose them to the charge of lack of patriotism and self-respect. It would be much the same, surely, with the minorities under a treaty. They would be regarded by the majorities as traitors to the national cause. They would be blamed for keeping in existence a last remnant of the old imperialism and so diminishing the status of Indian nationhood. And there would be means enough by which the majorities could make their resentment felt without any such overt or large-scale action as could be accounted a violation of the treaty.

For these reasons it seems desirable that the proposal to prolong, if not to perpetuate, British obligations towards the minorities under a treaty should be reconsidered by all parties concerned. It may be taken for granted that the British people on their side desire that the rights of the minorities should be safeguarded in the most effective manner possible. It is not only a matter of honour. The claims of the Scheduled Castes appeal to their democratic sympathies. They acclaim the part which Sikh soldiery has played on many a battlefield in the common defence of freedom. Nor do they respect the rights of other minorities, such as the Anglo-Indians, any the less because their leaders are less vocal or their numbers smaller. But, in the light of the considerations discussed above, they are bound to ask themselves, and they would be entitled to ask the minority leaders, if there is not a better way for protecting their rights, more consonant with the principles of the new *régime* and more effective in operation. And, when the question is further examined, will it not ultimately appear that a valid and lasting guarantee of minority rights in an independent country is not to be found in any external authority but only in the law of the land?

How that law should be made and what it might contain have been discussed in earlier chapters of this Report. It was argued in the first place that a constitution might be framed which so defined and secured the rights of the minorities—by declaratory clauses, by various kinds of ‘safeguards’, by providing that substantial minorities should have their due share of executive as well as legislative power, and by requiring minority assent to any future amendments—that the minorities would be able to accept it. Secondly, it was argued that the constitution must be respected and obeyed. If it were not, if the rule of law broke down in India, then injustice to minorities would not be the worst of the evils to which the whole country would be doomed. Now it is on that twofold assumption—the sanctity of a constitution framed by agreement—that the whole of the British Government’s policy for the transfer of all its responsibilities for the peace and welfare of India to Indian hands is based; and, that being so, there seems to be no case, quite apart from the practical difficulties, for retaining a particular responsibility for the protection of minorities. If the foregoing arguments are sound, is there any reason why the enactment of the new Indian constitution should not be regarded, both in India and in Britain, as the full and final discharge of British obligations towards the minorities in the same



way as British obligations towards the French-Canadians were fully and finally discharged by the enactment of the Canadian constitution?

## 3

There is a large body of people who might be described as a minority, but whose existence is sometimes overlooked in discussion of the minority problem—the inhabitants of the 'backward' or 'excluded' areas. Scattered over five Provinces, these areas, mostly tracts of forest and hill country, cover some 120,000 square miles and their population numbers about 12 million. They are mostly at a primitive stage of civilisation, animists in religion, and living under a traditional tribal system. They are incapable as yet of sharing in the political life of the Provinces, and with one or two exceptions they have not been represented in the Provincial legislatures. Their primary needs are: (1) protection for their lands and customary life from exploitation and disturbance, (2) an extension of social services, especially health and education, for which they cannot provide from their own exiguous resources, and (3) sympathetic administration on the lines, where practicable, of 'indirect rule' as practised in British Tropical Africa.

Under the existing constitution these areas are graded as 'wholly' or 'partially' excluded areas. In the former, the Governor of the Province controls the administration of them 'at his discretion'. As regards the latter, Ministers are entitled to advise the Governor, but he 'exercises his individual judgment' in discharge of his 'special responsibility' for 'the peace and good government' of the areas.<sup>1</sup> The ultimate responsibility for the welfare of these backward people thus rests at present on the British Parliament. No specific promises have been made about their future; but, since their claims must be considered in the framing of the new constitution and since they cannot speak for themselves, the British Government would clearly be entitled to make representations on their behalf.

There is one major area which seems to call for special treatment—the hill tracts on the eastern frontier of Assam. They adjoin similar hill tracts on the north-west frontier of Burma. The inhabitants of both areas are alike in race and culture. They are not Indians or Burmans, but of Mongol stock. In no sense do they belong to the Indian or Burman 'nation'. They constitute a single problem. The relations of one area with the future free India will be similar to those of the other area with the future free Burma. The neighbourhood of both to China demands a common frontier policy. These considerations have inspired a suggestion that the two areas might be united in a single territory, the administration of which would be separated in some way from the government of India and Burma. Since the security and stability of this frontier zone are of the highest importance to both countries, it seems possible that India and

<sup>1</sup> Act of 1935, Sections 91, 92 and 52. For the Governor's functions see Part I, 184-5.

Burma might welcome some special arrangement. It has been suggested that the new Government of India might conclude a treaty with the British Government for the provision of British assistance for the time being in the external defence of India. The new Government of Burma might wish to do the same. In that event, might not the administration of this area on both sides of the frontier be associated with a joint system of defence?

Whether some such treatment of the hill tracts of Assam were practicable or desirable or not, it clearly could not be applied to the other 'excluded' areas. Clearly these areas must be fitted into the fabric of the Indian constitution, and such 'safeguards' as are required for their protection must be found in the law of the land. But it is not only protection they need. Like most of the British Crown Colonies, they need money for the extension of social services. Mainly for that reason the authors of the Simon Report recommended that the control of them should be vested in the Centre.

The typical backward tract is a deficit area and no Provincial legislature is likely to possess either the will or the means to devote special attention to its particular requirements. Expenditure in the tracts does not benefit the areas from which elected representatives are returned. Moreover the most extensive tracts . . . fall within the poorest Provinces. Only if responsibility for the backward tracts is entrusted to the Centre does it appear likely that it will be adequately discharged.<sup>1</sup>

These arguments still hold good, but it must be remembered that their exponents had in mind a stronger and wealthier Centre than that which has been contemplated for the new *régime* in earlier chapters of this Report. What is chiefly wanted is money, and a minimal Centre will need nearly all its money to meet the cost of defence. It has been suggested that the constitution might provide for Provincial subsidies to the Centre if the yield of customs revenue should fail to meet its requirements. Conceivably, if the administration of the areas were allocated to the Centre, an agreed annual contribution might be made by the Provinces for this particular purpose. In any case the Governments of the Provinces in which the areas lie would have to act as the administrative agents of the Centre, but the final responsibility would be Central, and it might seem advisable that the Centre should maintain a body of officials, specially trained for the task of dealing with backward peoples and helping them to learn to stand on their own feet, to be put at the disposal of the Provincial Governments concerned.

If a Regional system were adopted, the final responsibility for the areas could be vested in the Regional Governments rather than in the Centre. In that case the cost would be considered in allocating sources of revenue between the Regions and the Provinces.

One further point seems worth mention. As in the British Crown

<sup>1</sup> *Simon Report*, ii, 109.

Colonies, invaluable work has been done in some of these areas by Christian missions, especially in providing health-centres and schools. No one can question that this work ought to be continued. Would not the British Government be justified in asking that all reasonable rights should be accorded to the missions? And ought not the British public to ensure that their work is not handicapped by lack of funds?

## 4

The British Government is also under an obligation as regards the future of the Indian Army, Navy and Air Force and of the so-called Secretary of State's Services.<sup>1</sup> All those bodies have been recruited on the British Government's authority and have operated under its ultimate control. Manifestly they cannot continue on this footing when the transfer of power takes place. A free India will recruit and control all its own armed forces and all its own civil servants.

Questioned as to the future of the Indian Army in a Press Conference at Delhi, Sir Stafford Cripps replied: 'So far as the new India is concerned, they can have the whole of the Army and everything else.'<sup>2</sup> But that did not mean, of course, that the Army or the other forces could be transferred from one Government to another, lock, stock and barrel, without the members of those forces having anything to say about it. Clearly they would be entitled to terminate their services if they chose, and in that event their pension-rights would have to be secured. In view of the great part which the Indian forces have played in the fight for freedom, this is a matter in which British public opinion will be closely interested.

The position of the Secretary of State's Services will be much the same. Under the sort of constitution outlined in the preceding chapters only a small administrative staff would be required at the Centre and presumably the existing all-India Services would be reconstituted, mainly, no doubt, on a Provincial basis. The new Indian Government might wish to dispense with the services of some or all of the existing members of these Services, whether British or Indian, and they on their side might wish to be freed from their engagements. It is not suggested that they have shown as a whole any lack of sympathy with Indian nationalist aspirations. On the contrary, ever since the beginning of responsible government in 1919, they have served Indian Ministers as loyally as they had previously served their British superiors. Congress Ministers have freely acknowledged that with few exceptions they co-operated wholeheartedly with the new *régime* initiated in 1937.<sup>3</sup> They can be counted on to acquiesce with the same loyalty in the final transfer of power; but, just as the Indian Government will be entitled to dispense with their services, so they will have a right to choose whether or not to continue rendering them if asked to do so under the altered conditions. That, of course, will apply to the British and Indian

<sup>1</sup> See Part II, 22.

<sup>2</sup> *Ibid.*, 275.

<sup>3</sup> *The Cripps Mission*, 58, note.

members alike, but in the latter case it will still be a question of serving the Government of their own country, while British officials would be serving the Government of an independent and, if it should so choose, a foreign State. In either case, and whether their services were terminated at the wish of the Indian Government or at their own, an equitable financial settlement would have to be made and guaranteed.<sup>1</sup> This should not prove difficult, for the principle at stake can scarcely be a matter of controversy. If precedents were needed, they could be found, perhaps, in the arrangements for the retirement of British members of the Egyptian Civil Service when the Protectorate was abolished.

## 5

One last question remains. What are the British Government's obligations in the financial and commercial field and how are they to be discharged when its powers are transferred?

There is first the obligation assumed when, under the British Government's control and with its backing, India incurred her 'national debt'. Those who invested in those public loans are entitled to an assurance that their interests will not be prejudiced by the transfer of power.

Most of India's public debt has consisted in the past of what has been known as the 'sterling debt' and the 'rupee debt'. The former, raised in sterling and mainly in Britain, amounted in 1937 to £276 million. Owing to the British Government's large expenditure for war purposes in India and for meeting the cost of Indian forces employed outside India, nearly all this debt has now been 'repatriated'.<sup>2</sup> In other words, by way of payment for its purchases and other obligations the British Government has provided the Indian Government with the means of paying off the 'sterling debt' and replacing it by 'rupee debt'. That part of the obligation will thus be unaffected by the transfer of power. The 'rupee debt', raised in rupees and mainly from Indian investors, amounted in 1937 to about £350 million. That debt will remain an obligation of the new Government of India. If there is more than one Government, it will have to be equitably divided, as was done when Burma was separated from India in 1937.

Secondly, it is argued by the representatives of the British resident community in India that the British Government is under an obligation to ensure that their legitimate interests are protected under the new *régime*.<sup>3</sup> They claim—and it is not contested by any open-minded Indian—that, while they have been primarily concerned with the pursuit of their own business interests, they have rendered great services to India. They have been the pioneers of commercial and industrial development, and not only

<sup>1</sup> In securing pension-rights, for example, the constitution should provide for access to the Courts.

<sup>2</sup> See Part II, 276, note 1. By the end of the war with Japan the old financial relationship between Britain and India will have been reversed. Britain will be heavily in debt to India.

<sup>3</sup> See Lord Craigmyle's speech in the House of Lords, July 30, 1942: *Hansard*, II. of L., vol. 124, col. 111-28.

have Indians shared in the ownership and profits of the British firms, but wholly Indian firms, now rapidly multiplying, have been built on foundations laid by British enterprise and experience. British business-men in India, moreover, have been more than business-men. They have taken their full share in the political life of the country—in municipal administration, in the Provincial legislatures, at the Centre—and they have been able to make a valuable contribution to the development of Indian self-government through their communal neutrality and their traditional familiarity with democratic institutions.<sup>1</sup> But, while they have assisted in the growth of self-government, they have long been anxious as to its ultimate results on their own rights and interests. They have heard Indian nationalists prophesying that one of the first results of India's emancipation will be the transfer of all major business in India to Indian hands. They are afraid of being squeezed out by 'discrimination' or even forced out by 'expropriation'. And they conceive and resent the possibility that, despite their long connexion with the country, some nationality law might be enacted which would treat them as 'foreigners' in India and might prejudice their personal as well as their commercial status.

Under the existing *régime* their position is protected in three ways. (1) As constituting one of the 'statutory minorities', they are entitled to representation through separate electorates in the Provincial and Central legislatures, and in some Provinces they also hold most of the seats allotted to commerce and industry. In Bengal, for example, under the Communal Award, they occupy 25 of the 250 seats in the lower house, and 6 of the 63 in the upper; in Bombay 6 of the 175 seats in the lower house and 1 of the 30 seats in the upper; at the Centre 9 of the 141 seats in the Assembly and 2 of the 58 seats in the Council of State. (2) Again as a 'statutory minority', they are covered by the 'safeguard' clauses of the constitution which charge the Governor-General and the Provincial Governors with a 'special responsibility' for 'the safeguarding of the legitimate interests of the minorities'. (3) There is also a chapter of the Act of 1935,<sup>2</sup> included in that part of the Act which has been in force since 1937, which provides against the exercise in India of discrimination against British subjects domiciled in Britain so long as no similar discrimination is exercised in Britain against British subjects domiciled in India—a measure, in fact, of reciprocity as between British and Indians. This provision was applied to the right of entry into India and of freedom to travel, trade, practise a profession, and so forth, to the taxation of individuals or companies, the granting of commercial bounties or subsidies, the treatment of shipping, and the recognition of professional or technical qualifications.

<sup>1</sup> In recommending the continuance of British representation in the legislatures, the authors of the *Simon Report* wrote: 'The numbers of Europeans in India are no fair measure of the contribution they make to the country or of the influence which they exert. One of the best features of the operation of the Reforms [of 1919] is the way in which European business-men of high standing and experience have contributed to the public life of the country through their membership of the legislatures.' *Report*, ii, 68

<sup>2</sup> Part V, chap. III, sections 111-21.

Such is the protection afforded to the British community under the existing law. But the Act of 1935, as explained in Part I of this Report,<sup>1</sup> while it established a constitutional position from which, if all went well, the advance to Dominion Status might be easy and swift, did not confer Dominion Status on India; and there were several provisions in it which would necessarily disappear, whether by obsolescence or repeal, when India did in fact attain Dominion Status. When, therefore, a new stage was reached in the early years of the war, when it was declared in 1940 that the British Government's objective was India's attainment of full Dominion Status as soon as possible after the war, and when in 1942 a plan was put forward, by which this objective would be reached as the immediate result of the framing by Indians of an agreed constitution—then all those features in the Act of 1935 seemed to have become already out of date. This was sharply brought home to the British community in the course of Sir Stafford Cripps' elucidation of the Draft Declaration. He explained that the British Government did not regard the British community as one of those 'racial and religious minorities' whose rights were to be protected by the proposed Treaty. He went further. 'We are not going', he said, 'to make any condition in the Treaty as regards guaranteeing the vested rights of British interests in India.'<sup>2</sup> The representatives of the British community took alarm at this. They accepted the general principles of the Draft Declaration and backed Sir Stafford's efforts to obtain an immediate political settlement, but they protested against an interpretation of the Declaration which threatened to deprive them of their status as a 'statutory minority'. Their case was fully stated in a debate in the House of Lords a few months later. They were entitled, it was said, to the same treatment and the same protection as other minorities in India. They did not ask that, because they were British, privileges should be accorded them which were not accorded to Indians. In the conduct of their business they claimed that 'the Briton in India must have the same rights—no less and no more—that an Indian British subject would have in this country'.<sup>3</sup>

The answer to these claims was also stated in the course of the debate. It was not, it was pointed out, from any lack of appreciation of the services which the British community had rendered and could still render to India that its protection had not been made a binding condition of a new constitutional settlement, nor was it due to any underestimate of the importance of their business as a factor in British overseas trade. It was the direct result of the offer of full Dominion Status, an offer which, as Lord Hailey said, could not in honour or policy be withdrawn. It was highly desirable,

<sup>1</sup> Part I, 143-7.

<sup>2</sup> *The Cripps Mission*, 40. The use of the phrase 'vested rights' was subsequently criticised in the House of Lords. 'The position the European community has won in India', said Lord Hailey, 'has been won by open and fair competition with Indians. . . . Not only has enterprise, financed and conducted by the British community, enjoyed no exceptional privileges, but its profits have, as the noble Lord, Lord Catto, has pointed out, been very freely shared by Indian interests. It is therefore a misnomer, and a prejudicial misnomer, to refer to "European vested interests".' *Hansard*, H. of L., vol. 124, col. 130.

<sup>3</sup> Lord Catto. *Hansard*, H. of L., vol. 124, col. 127.

he argued, that an agreement, particularly on the question of nationality, should be reached by negotiation when the new constitution came to be framed—Sir Stafford Cripps had mentioned the possibility of a commercial treaty—but to insist on the inclusion of ‘safeguards’ in the constitution ‘as a pre-condition to the creation of an Indian Union’ was not compatible with the offer of Dominion Status.<sup>1</sup>

That this was the view of the British Government was clearly stated at the close of the debate by the Duke of Devonshire, Parliamentary Under-Secretary of State for India, speaking, as he said, as one who had recently held the corresponding post at the Dominions Office and was acquainted with Dominion precedents.

British commercial interests in Canada, in Australia, in New Zealand or in South Africa are not a matter of no concern to His Majesty’s Government in the United Kingdom. On the contrary they are a matter of very vital concern. . . . But that concern was not expressed by means of safeguards or guarantees exacted at the time when the former British Colonies became self-governing Dominions. It is not possible that it should be so. If your Lordships think of it, it is really impossible both to make an offer of complete self-government and to exact guarantees for specified British interests. . . . We mean what we said about India’s constitutional future, and that means we have passed from the conception of tutelage to that of a free and willing partnership. Guarantees other than those arrived at by a process of free negotiation are incompatible with equal partnership, and so are all those restrictions upon the freedom which is to be conferred upon India. But that does not mean by any manner of means that the future of British trade with India or the well-being of the British trading community in India is of no concern to His Majesty’s Government in the United Kingdom. As I have said, these matters in the self-governing Dominions are of the very closest concern to His Majesty’s Government. We deal with them and all safeguards and guarantees by discussion and negotiation as between equal partners. I wonder if any of your Lordships can really doubt which is the better system. The one led to the ‘Boston tea-party’, the other to the Ottawa Agreements.<sup>2</sup>

This argument seems incontestable. India cannot be a second-class Dominion. The phrase ‘full Dominion Status’ is often used—it has been used in this Report—but in fact the first word is not needed. Dominion Status *must* be full since the very essence of it is equality, and equality is not a matter of degree.

These considerations apply, of course, to all kinds of British business interests in India, both to the ‘external’ interests of British shipping firms, insurance companies, exchange banks and so forth operating from Britain and to the ‘internal’ interests of British companies engaged in production—of jute and tea, for example—or in dealing in goods or services with Indian customers. As regards that last class of business one final comment may be made. If the British Government’s policy were other than it is, if it were to refuse beforehand to agree to any constitutional settlement which

<sup>1</sup> *Ibid.*, cols. 193-5.

<sup>2</sup> *Ibid.*, col. 149.

did not meet the claims of the British community, and if—which seems improbable—the Indian leaders were to accept this position, would not the considerations which would apply to the retention of British protection for other minorities apply with no less force to the British community, or with even greater force? Traders everywhere depend on the goodwill of the people with whom they trade; and in India it must be the goodwill not only of business circles but of political circles too. In a free India British traders may expect to be treated as fairly as traders from abroad are treated in any civilised State linked with other States in the commercial network of the world. But, if it could be said that India was something less than free and that for this slur on her nationhood the British traders were responsible, they would soon, it is safe to say, have few Indian customers left to trade with.

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## CHAPTER XIV

### INDIA AND THE COMMONWEALTH

#### 1

It is the natural destiny of a free and united India to become a great Asiatic Power; but she cannot achieve it in isolation. For all States, the strong as well as the weak, the doctrine of exclusive, self-sufficient nationalism has been proved to be a dangerous illusion; and it is common ground that the peace and prosperity of the post-war world will depend on the extent to which the nations can combine for the purposes of common defence and economic co-operation. No one can yet delineate the form which the international system of collective security and welfare will take, but it seems to be agreed that within any general system there will be groups or partnerships of nations which are associated, more or less closely as the case may be, as the result of historical and geographical factors. One such group will be the British Commonwealth of Nations. But, if association rather than isolation is to be the principle of the new international order, the nations, of course, will be free to choose their associates. That freedom already exists in the British Commonwealth. The tragedy of the War of American Independence will never be re-enacted. Since 1926 the 'free association' of the members of the Commonwealth has been generally interpreted as implying freedom to dissociate, and this implication was made explicit by the Draft Declaration of 1942. The proposed treaty between Britain and India 'will not', it ran, 'impose any restriction on the power of the Indian Union to decide in the future its relation to the other Member States of the British Commonwealth'.<sup>1</sup> This sentence was underlined by Sir Stafford Cripps at one of his Press Conferences at Delhi. 'The Union', he said, 'will be completely free either to remain within or to go without the Commonwealth.' To the question 'Will the Indian Union have the right to enter into a treaty with any other nation in the world?' he answered 'Yes'.<sup>2</sup>

India, then, will be free to choose her partners. If sentiment alone were to determine the choice, many Indians might naturally think first of Asiatic countries, particularly China, and this trend is likely to be most marked in those nationalists who react most violently against India's old connexion with the West. Pandit Jawaharlal Nehru has suggested, failing a World Federation, 'a Federation with our neighbours—China, Burma, Ceylon, Afghanistan, Persia'.<sup>3</sup> But will not the practical purposes of the partnership—security and economic welfare—require a wider and stronger international combination than that? The war has shown that the security of India is linked up with the security of the whole area of the Indian

<sup>1</sup> Part II, 337.

<sup>2</sup> *Ibid.*, 275.

<sup>3</sup> *The Unity of India* (London, 1941), 389.

Ocean. India is not safe unless all the strategic outposts of that area are safe. An Indian defence system, therefore, must extend south-eastwards far beyond Burma and Ceylon. It must cover Malaya, Siam, and Indo-China and the great arc of islands and air-bases which stretches through the Dutch East Indies to the Philippines on one side and to Australia and New Zealand on the other. And the approaches from the West must likewise be safeguarded—the Suez Canal, Aden, the east coast of Africa, Madagascar, Mauritius. Of such a security system for the Indian Ocean area India would be the central stronghold and strategic base; and in course of time, with the development of her own military and industrial resources, she would play the major part in its operation.<sup>1</sup>

The safety of the Indian Ocean is not only India's interest. It is an indispensable element in the whole structure of world security. It vitally concerns the British Commonwealth, since the Indian Ocean is the highway from Britain and South Africa to Australia and New Zealand. It concerns only less immediately the United States, since the control of the eastern outposts of the Indian Ocean enables an aggressor to make a bid for the mastery of the Pacific. Hence any arrangements that may be made for the defence of India itself are not only India's business. The treaty suggested in the preceding chapter under which Britain would assist for the time being in the defence of India would have to form part of a general agreement for world security between the United Nations as a whole. The British forces stationed in India under such a treaty, and India's own defence forces likewise, would thus be not only the instruments of British and Indian policy but an essential contribution to that world-wide system of security in which, it is to be hoped, all the free nations will take part.

Similar considerations apply to the question of co-operation for economic welfare. There again India cannot stand alone. It is not only or chiefly a matter of obtaining markets for her surplus production. To become the Great Power she could become, India, like China, must make the most of her own natural resources and press on, as fast as possible, with a long-term programme of economic development. On the industrial side that development is again more than an Indian interest, since India's industrial 'war-potential' will be one of the main foundations of an Indian Ocean security system. And for industrial development, as for defence, she will need for the time being assistance from outside—in the provision of capital plant, in the training of technicians, and by way of expert advice and collaboration on the part of old-established foreign firms. Thus, for economic welfare as well as for security, free India will want to share in some system of international co-operation.

These questions of the future cannot be followed up in detail in this Report. Its subject is the constitutional problem in India. It is con-

<sup>1</sup> For an interesting suggestion for an Indian Ocean Security Council see *India and the Indian Ocean Region* by 'Tabloid' in *Agenda* for August 1943. See also K. M. Panikkar, *The Future of South-East Asia* (London, 1948).

cerned with the internal affairs of India, not with her external relations. But there is one aspect of those external relations which bears directly on the internal problem. For the main crux of that problem, as has been seen in previous chapters, is the difficulty of obtaining an intercommunal agreement as to the character and composition of the Centre. If any Centre, it was argued, were to be made acceptable to the Moslem League, it would have to be a 'weak' Centre, dealing only with a minimum of 'subjects'—foreign policy, defence, tariffs, currency and also, if it were desired, communications. Now it is worth observing that all these 'subjects' except communications—and communications too, if they are regarded from the standpoint of defence—are affected by the need for international co-operation. Because of that the management of them cannot well be governed solely by Indian interests and opinions. Indian foreign policy and defence, in particular, will have to be adjusted to a collective system of international security. The more closely-knit that system proves in the event to be, the more strictly will India's share in it be decided by agreement with the other nations concerned rather than by purely self-interested and isolated action. If in course of time the core of such a co-operative system should harden into a federation, then India's foreign policy and defence would not be controlled by India but by the Federal Government in which she would have her place beside the other national units. Do not these considerations bear directly on the problem of the Centre? Can the Centre, in the light of them, be regarded as an arena of Hindu-Moslem conflict? Surely the fear that Central policy may be dominated by communal interests must seem less substantial when it is understood that in fact Central policy will be largely determined by agreements made and responsibilities undertaken in accordance with the new international order.

## 2

If India wants Britain's co-operation until she can defend her frontiers and maintain her industrial equipment without help from outside, she can have it, whether she decides to remain within the British Commonwealth or not. Britain would doubtless be willing to make with a wholly separate India the same sort of arrangements she has made with Egypt and Iraq. In India's case, as in theirs, security is a matter of mutual interest. So, of course, is economic co-operation. But in the British desire to retain the closest possible relationship with a free India, in the British hope that India will choose to stay within the Commonwealth, there is much more than material interest. It is a question of principle, and it is a question of sentiment.

It is a question of principle because the British people believe that the Commonwealth is the most useful contribution so far made towards combining the twin ideals of freedom and unity in the international world.

To yield to the natural growth of freedom and yet to preserve a living and effective unity has not always been easy. It has been easier with those nations which, mainly of British stock and the outcome of British settlement, have, so to speak, grown up within the Commonwealth. It has been more difficult with those nations or sections of them which were brought into the Commonwealth by conquest. But with them, too, there has been a substantial measure of success. For a long time past the French-Canadians have been at least as anxious as their British fellow-citizens to remain within the Commonwealth. The war and General Smuts have finally determined the allegiance of most Dutch-speaking South Africans. Only for Eire has freedom meant separation—at least for the time being—and no historian can fail to understand the exceptional reasons for that exception. Now India stands, of course, on the difficult side of the line. Directly or indirectly she came into the Commonwealth under compulsion. And in her case the greater difference in size and race, in history and ways of thought and life, and the far wider measure of British control and its continuance into a period when nationalism became a far more fiery force in the world than it had ever been before—all that makes it much harder for India than it has been for the other nations to 'find full satisfaction', as Mr. Churchill put it at the Guildhall, 'within the British Commonwealth of Nations'.<sup>1</sup> Yet the British people earnestly desire that she should. For, if she does, the Commonwealth will become a much more impressive and fruitful example of international association that it can ever be if all the associates are wholly or mainly European. It will form a bridge between Europe and Asia. It will enable, as nothing else could, the Governments and peoples of the Old World and the New to know and comprehend and make allowance for each other. It will 'stand unique in the world'—these are an Indian statesman's words—'for the reconciliation of East and West'.<sup>2</sup>

It is a question of sentiment too. The British connexion with India began more than 300 years ago. For 150 years it has been so close that British history and Indian history have been woven together. And the British people believe that on the whole their part in it has been well played. Many of their most capable and high-minded fellow-countrymen have spent the best of their lives in trying according to their lights to serve the Indian people. There are one or two black pages on the record. There was a period of economic selfishness, of which the outstanding feature was the cotton excise-duties. There have been mistakes and shortcomings in policy, in administration, in behaviour, but they have seldom been crimes. The British Raj on the whole has been just and humane. Its faults have been chiefly negative—an insular aloofness, an insensitiveness, a want of imagination. There has been no lack of sympathy with the needs of the Indian masses, nor, when the time came, with the political aspirations of the educated classes. Some fifty years ago, it is true, the British people were

<sup>1</sup> *The Times*, July 1, 1943.

<sup>2</sup> Mr. Srinivasa Sastri. Part II, 306, note 1.

infected with a kind of imperialism which, though it had an idealistic side, was mainly interested in the size and power of an Empire 'on which the sun never set'; and in those days the old vision of an emancipated India faded into the background. But that was a passing phase, and since the first decade of this century British thoughts about India have been the thoughts of the statesmen and officials of an earlier age—thoughts, like Henry Lawrence's, of India being 'brought into the scale of nations' and becoming Britain's 'noble ally' or, like Macaulay's, of India's ultimate demand for self-government marking 'the proudest day in English history'.<sup>1</sup>

The sincerity of the British desire that India should be free will be proved when the constitutional settlement is achieved and the final transfer of power accomplished. May not that temper the mood of those Indian nationalists who want to break the British connexion at once and for good? Their antagonism has been quickened by a disbelief in British intentions and embittered by the harsh experience of conflict and repression. In the minds of some Indians the sense of subjection has bitten so deep that they want, as it were, to cut themselves away from their past by severing all relations with their sometime rulers. But it must be remembered that this growth of anti-British sentiment, like the accentuation of Hindu-Moslem discord, is a relatively recent development. Not so long ago the Congress under Mr. Gokhale's leadership, while pressing for a faster pace, was willing to work with the British Government in carrying out its programme of constitutional advance. It was not till 1921 that under Mr. Gandhi's leadership it took the path of non-co-operation and altered the first article of its constitution so as to define its objective not as 'the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire', but simply as 'the attainment of *Swarajya*'.<sup>2</sup> Nor was this new phraseology intended to rule out the acceptance of Dominion Status. At the Round Table Conference in 1931 Mr. Gandhi himself interpreted *Swaraj* as permitting a partnership with Britain.

The Congress contemplates a connexion with the British people—but that connexion to be such as can exist between two absolute equals. . . . I have aspired—I still aspire—to be a citizen, not in an Empire, but in a Commonwealth; in a partnership if possible—if God wills it, an indissoluble partnership—but not a partnership superimposed upon one nation by another. Hence you find here that the Congress claims that either party should have the right to sever the connexion, to dissolve the partnership.<sup>3</sup>

Those words were spoken only twelve years ago. Have the British people so changed their character in that short time as to seem no longer worthy partners of the Indian people in Indian patriots' eyes?

Moslem statesmen have also in the recent past declared their satisfaction with the prospect of Dominion Status. In his speech at the opening

<sup>1</sup> Part I, 18, 20.

<sup>2</sup> *Ibid.*, 37, 67.

<sup>3</sup> *Ibid.*, 126.

of the first session of the Round Table Conference, Mr. Jinnah drew attention to the presence of representatives from the Dominions.

I am glad that they are here to witness the birth of a new Dominion of India which would be ready to march along with them within the British Commonwealth of Nations.<sup>1</sup>

'Complete independence', wrote Sir Sikander Hyat Khan in 1939, 'does not necessarily connote a severance of connexion with Great Britain', and he suggested to Indian champions of 'international brotherhood' that their object can perhaps be best achieved if India remains an equal and free partner within the comity of nations which constitute the British Commonwealth. It does not require much reasoning to show that India with its vast manpower and resources should in time become an influential and even dominant partner in the British Commonwealth and will thus be in a far stronger position to assert its influence in international affairs than it could as a single isolated unit.<sup>2</sup>

There are many other Indians who have not been affected by the recent growth of anti-British feeling. They have not forgotten the debt which they or their fathers have owed to British friends and teachers. They have kept their faith in the sincerity of British promises, and have acquiesced in the 'gradual' attainment of self-government. When at last it is fully attained, they will not want to turn their backs on the people with whom they have co-operated in administration, in the army, in business. And this applies at least as forcibly to Indian as to British India. The Princes may share in the material or sentimental considerations which prompt individuals or groups outside the States to desire to remain within the Commonwealth, but they will have a peculiar incentive of their own in the genuine personal devotion which many of them feel towards the Crown.

It is clear, then, that a decision to secede from the Commonwealth could not be a unanimous decision, and for that reason it seems probable that those Indians who favour it will not want to force the issue. The freedom of India can only be won by achieving through compromise and concession an internal settlement, and, when it is won, the maintenance of that settlement will be far more important than any question of external relations. Those Indian patriots who feel uncomfortable in a partnership with Britain and the Dominions, however free and equal and however useful, will surely hesitate on that account alone to split the new-found unity of India. Will they not remember how much Mr. De Valera might have done to promote the unity of Ireland if he had left his republican doctrines on the shelf and accepted, like his predecessor, full membership of the Commonwealth? Will they not wait, before making up their minds, to see how free and equal and useful the partnership proves in fact to be?

<sup>1</sup> *Indian Round Table Conference* (Nov. 12, 1930 — Jan. 19, 1931), Cmd. 3778, p. 22.

<sup>2</sup> *Outlines of a Scheme of Indian Federation*, 5, 10.

## CONCLUSION

It is a heartening pursuit to discuss the possibilities of an Indian settlement, to sketch on paper the outlines of a constitutional edifice in which it seems possible that Provinces and States, majorities and minorities, might live happily together, still more to imagine India, free yet still united, playing the great part that awaits her in the international world. For it almost creates the illusion that the possible has become actual, that the problem has been solved, that the goal which both the Indian and the British peoples desire to attain has been in fact attained. Is it equally disheartening to turn away from speculation about tomorrow and look again at the hard realities of today? To all appearance the deadlock is as unbreakable as ever. The Congress leaders and several thousands of their followers, unwilling, it seems, to abandon Mr. Gandhi's method of 'taking delivery' by means of 'open rebellion', are still in custody. The leaders of the Moslem League reiterate their claim to break up India in sharper tones and on more uncompromising terms. Little seems at the moment to have come of the attempts to establish a Hindu-Moslem *modus vivendi* in some of the Provinces. Terrorism is still plotted underground, though the Japanese are still on the frontier. And on all hands, it is said, the sense of frustration and resentment deepens. Can it be supposed, the pessimists will ask, that India in such a mood is really on the eve of a great achievement of constructive statesmanship? Must it not be admitted that, for the present at any rate and probably for some time to come, the problem is insoluble?

The pessimists may be right, but an historian cannot wholly yield his mind to their forebodings. For he knows that it has often been the unexpected thing that happened and that there is some truth in the familiar saying about the darkest hour and the dawn. Often enough in history the very badness of a situation has compelled its remedy. Only when a position seemed desperate were men forced, as it were, to do what needed doing. Some of the most striking examples of such eleventh-hour salvation are associated, as it happens, with the question of national unity and freedom; and three of the most notable of them are to be found in Anglo-Saxon history—in the great English settlement of 1689, in the union of England and Scotland in 1707, in the creation of the United States of America in 1787.

If Indian politics seem bad enough today, English politics, on the very eve of the great settlement, were very much worse.

The conduct of Whigs and Tories between 1678 and 1685 is so mad and bad that it is a psychological puzzle to recognise any of the better elements usually found in the English political character—humanity, decency or com-

mon sense. Whigs and Tories act like the nervous and hot-blooded factions of a South European race. They rant, scream, bully, assassinate men by forms of law, study no interest but their own, and betray even their own interest through sheer folly and passion. Yet, a few years later, those same men took part in making and observing the Revolution Settlement, the most English thing that ever was done—if, indeed, it is English to take stand on good sense, compromise and toleration.<sup>1</sup>

If political morale was better at the time of the Anglo-Scottish union, the international situation was quite as bad. Union, as the historian just quoted has pointed out, was necessary not 'because English and Scots were in a friendly mood', but because of 'the badness of the terms on which the two nations were living'.<sup>2</sup> So determined were the Scots on separation from England that they seemed to be preparing to fight for it, and this at a time when the dominant power on the continent was threatening to invade the island. A Franco-Scottish alliance was by no means inconceivable, and, if it had been concluded, the whole course of European history might have been changed. That this did not happen was due to the wisdom and forbearance of a few English and Scottish statesmen. In the course of two or three years the whole position was transformed. Instead of breaking away from England, Scotland was joined with her, not in a federation only, but in a complete parliamentary union. And the unity thus swiftly, almost wonderfully, attained has become so real that the old enmity is now quite forgotten. Not only have England and Scotland become one united kingdom: the English and the Scots, without losing their distinctive character and traditions, have become one British nation.

Protected by the breadth of the Atlantic from the menace of European despotism, the thirteen American States were in no immediate danger of losing the independence they had won in 1783. But they could make no proper use of it. In particular they could not control their political or economic relations with the outer world. They could not speak as a nation at foreign courts. They could not even secure the fulfilment of the treaties their representatives had signed. Foreign statesmen prophesied that the misbegotten child of revolution would have a poor life and a short one. And, indeed, so disastrous were the effects of their inability to exercise a common control over their foreign trade that it seemed as if the States were drifting fast into financial chaos and commercial bankruptcy. A great future for a free America was regarded as 'one of the idlest and most visionary notions that ever was conceived even by writers of romance'.<sup>3</sup> It seemed far more likely that the Americans would ultimately lose their freedom. Yet again the very gravity of the disease produced its cure. The needful thing was done because the only alternative was catastrophe. A few hard-headed men by their four months' work at Philadelphia created

<sup>1</sup> G. M. Trevelyan, *The English Revolution, 1688-1689* (London, 1938), 37.

<sup>2</sup> G. M. Trevelyan, *Ramillies and the Union with Scotland* (London, 1932), 174.

<sup>3</sup> H. Taylor, *The Origin and Growth of the American Constitution* (New York, 1911), 169.



the United States and set their country firmly on the road to its 'manifest destiny'.

In all these cases the sheer necessities of the situation compelled a compromise. Is the present situation in India any less compelling? The need for unity in some form to forestall the disastrous results of disunion is the same. Nor is the analogy invalid because it is not to preserve her freedom but to obtain it that compromise and settlement are necessary in India. Is not the desire of every educated Indian to see his country standing on an equal footing with other countries in the world as cogent an emotion as that which inspired those Englishmen and Scotsmen and Americans to do what had to be done?

'We are on a conspicuous stage, and the world marks our demeanour.' Those were Burke's words. The date was 1783. The occasion was a debate in the House of Commons on a bill which sought to impose on a great part of India the kind of rule that seemed appropriate to its British rulers. Times have changed. The place in which India's destiny is to be decided has been moved away from Westminster. It is with Indian statesmen now that the decision rests. But the stage is still conspicuous, much more conspicuous, indeed, than it was in Burke's day, and a much wider world is watching. All India will mark and remember what the actors do at this the greatest crisis in their country's history; and other peoples too are in the audience. At previous periods in India's political advance public opinion in foreign countries cared little and knew less about what happened; and, if anything went wrong, it seemed enough to say that it was Britain's fault. But the position is altered now. There is less indifference among other peoples about the course of events in India, and they are making it their business to understand it better. For they know that India might all too easily become in Asia what the Balkans have been in Europe, a focus of instability and intrigue and the potential breeding-ground of another World War. Thus India's capacity for practical statesmanship has been put to public test as never before. She has been challenged to show the world what she can do now and what she may hope to do when she takes her promised place in the society of nations.

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### SUMMARY OF PART III

1. The political situation in India in August 1943 is little changed from what it was at the end of 1942. The impulse of rebellion has spent its force, but the deadlock continues. The Congress leaders remain in custody, and there is no evidence to show that they are prepared to abandon Mr. Gandhi's desperate policy. The leaders of the Moslem League continue to insist on Partition, and its hold on Moslem opinion has grown stronger. 'League Ministries' have been installed in Bengal, Sind and the North-West Frontier Province. The 'Congress Provinces', still under Governors' rule, have been reduced to five out of eleven. The possibility of forming Congress-League coalition Governments in these Provinces has been discussed.

2. The cause of the deadlock has been diagnosed in Part II. It may be summed up as the refusal of the majority of the Moslems to acquiesce (i) in the re-establishment of 'pure' Congress Ministries in the Hindu-majority Provinces, and (ii) in any constitution which makes possible a Hindu majority at the Centre. In its present extreme form League opinion, more than ever dominated by Mr. Jinnah, refuses to contemplate any Centre at all. It maintains that the Moslem 'national homelands' must constitute completely separate independent States.

3. The solution of the deadlock lies wholly in Indian hands. The British Government has undertaken to accept any constitution on which the major elements in Indian politics are agreed. For drafting the constitution the Congress scheme for a great Constituent Assembly directly elected on an all-India basis seems inappropriate. The Convention should be as small as practicable and its members should be chosen as representatives of their respective Provinces and States.

4. Whether India remains united or is partitioned, the Provinces will presumably retain a wide measure of autonomy. Except for the purposes of Partition the rectification of Provincial frontiers is not an urgent question.

5. As regards the Provincial constitutions (which need not be identical), it seems probable that the composition of the legislatures will continue to be based on communal representation and, for the present at any rate, on separate electorates. This last device virtually rules out such other devices as proportional or functional representation or indirect election. Second chambers do not seem to contribute much to the solution of the communal problem.

6. The greatest possible use will doubtless be made of 'safeguards' for minorities—general safeguards, such as a declaration of rights or such provisions as figure in the European Minority Treaties; political safeguards, such as the requirement of more than a bare majority for decisions; cultural safeguards, such as the cultural autonomy laws of Russia or Estonia. It is essential that the safeguard clauses of the constitution should be incapable of alteration without the minorities' assent and should be easily enforced in the Courts. The success of the new *régime* will mainly depend on the sovereignty of the law.

7. For securing a communal settlement the treatment of the executive is more important than anything else. What the minorities need is not so much protection against the abuse of power as participation in its exercise. It is therefore suggested that the Provincial Governments should be statutory coalition Governments, and that, in order to give them greater stability, they should not be responsible to the legislature from day to day. On this point the character and operation of the Swiss constitution in respect of the Federal executive seem worth examination.

8. The chief crux of the constitutional problem is not in the Provinces, but at the Centre. It is mainly because in an all-India federation, as hitherto conceived, the four Moslem-majority Provinces would be outweighed by the seven

Hindu-majority Provinces that the Moslem separatists insist on Partition as the only means of escaping from a 'Hindu Raj' and of acquiring an equal 'national' status with that of the Hindus. They also claim that the division of India into dominantly Moslem and Hindu States would solve the communal problem (though they would inevitably include minorities numbering many millions), that it would enable the former to establish closer relations with neighbouring Moslem States beyond the north-west frontier and so lighten the task of its defence, and that it alone can save Moslem society from economic subjection to Hindu capitalism.

9. The scheme of Partition contemplates two Moslem States in the Moslem-majority areas—'Pakistan' and 'North-East India'. The first difficulty in realising Pakistan is the problem of the Sikhs. The second and greater difficulty is the cost of defending the north-west frontier. In other respects Pakistan could finance itself from its existing or potential resources, but it could not maintain defence at its present level nor even at a necessary minimum without cutting down expenditure on social advancement. The financial viability of North-East India would depend on whether Calcutta were included in it or not. If not, North-East India would be no more than a weak appendage of Pakistan. But all such material considerations are likely to be overridden, and Partition adopted at any cost, unless Moslem nationalist sentiment can somehow be satisfied in a united India.

10. India is a geographical unit: it is not divided by such physical barriers as have fostered the growth of separate nations in Europe. Its unification under British rule has not only made all Indians feel themselves to be Indians; it has saved India from the fate which political and economic nationalism has brought on Europe. The Partitionists threaten to throw India back to the condition it was in after the break-up of the Mogul Empire, to make it another Balkans. This would negate the development of democracy in India. Partition would also prevent a free India from taking her due place in the world as a great Asiatic Power; for it would probably mean disruption into several States ranking with Egypt or Siam.

11. History shows that nations can realise their nationhood without being wholly independent States. That was the purpose of Sir Muhammad Iqbal's scheme (1930) for combining the Moslem-majority Provinces in a Regional unit. Sir Sikander Hyat Khan developed this idea in his scheme (1939) under which the Provinces and States would be grouped in seven Regions in which they would deal with certain common affairs and through which they would be represented at the Centre.

12. It is suggested that the principle of Regional demarcation should be economic, not political. The natural division of India for the purposes of economic development is by river-basins. (The possibilities of such development have been shown by the achievements of the Tennessee Valley Authority in the United States.) Under a river-basin scheme India would be divided into four Regions, in two of which Hindus would predominate and in two Moslems. That would mean an even communal balance at a Centre based on the Regions.

13. Regionalism would fulfil the main objective of the Pakistan policy—the consolidation of the Moslem 'national homelands'. But Regionalism might not seem so essential politically or economically for the Hindu-majority Provinces. They might be willing, however, to group themselves in Regions for the purpose of representation at the Centre.

14. The strength of Moslem 'nationalism' necessitates a 'weak' Centre or none. (i) The scope of the Centre's powers could be confined to foreign affairs and defence, tariffs, currency and communications. (The inclusion of communications is manifestly desirable, but not an absolute necessity.) (ii) The representatives of the Regions would come to the Centre not on an all-India footing but solely as the agents of their Regions with mandates from their Governments and legisla-

tures. (iii) Only a relatively small Central executive and legislature would be needed. The executive might be elected and hold office in accordance with the Swiss model. (iv) Most of these considerations would hold good if Regionalism were not adopted and the Centre were based on uncombined Provinces and States.

15. A Supreme Court for all India is indispensable. The part it will play as guardian of the constitution under the new *régime* will be of the utmost importance. Presumably its powers will be similar to those of the existing Federal Court.

16. Partition between Hindu and Moslem units is not the only possible form of disruption. Though the Princes have expressed no wish for Partition, they would prefer it to subjection to a Congress Raj; and the Indian States might conceivably form a separate Dominion or Dominions which would have as good a prospect of viability as Pakistan. *Inter alia* the creation of a States Dominion would involve the abrogation of the existing treaty system which is incompatible with Dominion Status.

17. Though the interpretation of the treaties must take account of usage and sufferance and of changes of circumstance and moral ideas over a long period of time, the Princes appear to regard them as the main guarantee of their princely rights and of the territorial integrity and autonomy of their States. For that reason, if Partition proved unavoidable, they might prefer not to create a States Dominion but to retain the suzerainty of the Crown and the continued protection of the Paramount Power. Such an arrangement seems plainly undesirable. It would involve the stationing of British troops on Indian soil not merely for aid in external defence but also for maintaining internal security, and it would expose the Princes to the charge of frustrating the national destiny of India simply in order to preserve their autocratic powers. Nor will the British people permit the use of British troops anywhere to prevent the evolution of constitutional government.

18. Happily it seems easier for British India and the States to attain a constitutional agreement for maintaining the unity of India than it is for the Hindu and Moslem communities. Such an agreement would replace the treaty guarantees by the guarantees of the constitution. Paramountcy would disappear except, perhaps, for the purpose of settling succession disputes. It is essential that the association of the States with the Provinces at the Centre should not upset such intercommunal balance as has been established for British India. If a Regional system were adopted, it would be in the economic interests of the States to participate in it. If they did not, they might be willing to be grouped with Provinces in Regions solely for the purpose of representation at the Centre. It is suggested, finally, that the Princes might take the initiative in promoting the cause of national unity.

19. If a constitutional settlement is attained, the final transfer of power will be subject only to the fulfilment of British obligations. The first of these arises from the incapacity of India for the time being to defend herself unaided. It has been suggested that a free India might wish to conclude a treaty with Britain providing for temporary assistance in defence. The Anglo-Egyptian Treaty of 1936 furnishes a precedent. British forces stationed in India under such a treaty would be for external defence only and not for the maintenance of internal security.

20. Besides the obligation towards the Princes discussed above, there is an obligation to ensure that the rights of minorities are safeguarded. The proposal in the Draft Declaration of 1942 that this should be met by a treaty seems open to criticism as being out of harmony with Dominion Status, difficult to operate in practice and likely to prejudice a final settlement of the communal dispute and to engender majority resentment towards the minorities. If the proposal

were reconsidered by the British Government and the minority leaders, they might come to the conclusion that the only valid safeguard of minority rights in a free country is not to be found in any external authority but only in the law of the land.

21. The ultimate responsibility for the welfare of the backward people of the 'excluded areas' has continued to be vested in Parliament. It is suggested that the administration of the hill tracts of Assam might possibly be associated with the system of frontier-defence. The administration of the other backward areas, while directly in the hands of the Provincial Governments concerned, ought, it is submitted, to be financed and controlled by the Regional Governments if Regionalism were adopted, otherwise by the Centre. The continuance of the work of Christian missions in those areas should be guaranteed.

22. The Indian Army, Navy and Air Force and the Secretary of State's Services have been recruited under the authority of the British Government, which is thus under an obligation to secure their future interests. When the final transfer of power takes place, the members of all those bodies will be entitled to terminate their service if they choose, and in that case an equitable financial settlement must be made and guaranteed.

23. British financial obligations have already been met by the repatriation of the 'sterling debt'. By the end of the war India will be a large-scale creditor of Britain. As to the rights of the British resident community, the British Government has pointed out that it would not accord with the offer of Dominion Status to make the satisfaction of their claims a prior condition of a settlement. The interests of British business in a free India can only be protected by freely negotiated agreements.

24. It has been laid down that, when India becomes a Dominion, she will be free to choose whether to remain within the British Commonwealth or to secede. Both for security in defence and for economic development India will need to be associated as a partner in an international group (which means that policy at the Centre will be governed to some extent by international undertakings). Not only on material grounds but also as a matter of principle and of sentiment, the British people hope that India will be satisfied with partnership in the Commonwealth. Many Indians share that hope, and it seems probable that a free India will wait and see how that partnership works in practice before making her final choice.

# APPENDIX I

## STATISTICS OF POPULATION AND COMMUNITIES

TABLE I  
INDIA: POPULATION, 1941

	Males	Females	Total
British India . . . . .	153,045,000	142,782,000	295,809,000
States and Agencies . . . . .	47,883,000	45,090,000	93,189,000
Total . . . . .	200,928,000	187,872,000	388,998,000

TABLE II  
INDIA: PRINCIPAL COMMUNITIES, 1941  
(All figures are given in thousands)

Province or State	Hindus other than Scheduled Castes	Scheduled Castes	Moslems	Christians	Sikhs	Total Population
Madras . . . . .	34,731	8,068	3,896	2,047	0.4	49,342
Bombay . . . . .	14,700	1,855	1,920	375	8	20,850
Bengal . . . . .	17,680	7,379	33,005	166	16	60,307
U.P. . . . .	34,095	11,717	8,416	160	232	55,021
Punjab . . . . .	6,302	1,249	16,217	505	3,757	28,419
Bihar . . . . .	22,174	4,340	4,716	35	13	36,340
C.P. . . . .	9,881	3,051	784	59	15	16,814
Assam . . . . .	3,537	676	3,442	41	3	10,205
N.W.F.P. . . . .	180	—	2,789	11	58	3,038
Orissa . . . . .	5,595	1,238	146	28	0.2	8,729
Sind . . . . .	1,038	192	3,208	20	31	4,535
Total, British India . . . . .	150,890	39,921	79,399	3,482	4,165	295,809
Hyderabad(a) . . . . .	10,382	2,928	2,097	220	5	16,339
Mysore(a) . . . . .	5,282	1,405	485	113	0.3	7,329
Travancore(a) . . . . .	3,146	396	434	1,960	—	6,070
Kashmir(ab) . . . . .	694	113	3,074	4	66	4,022
Gwalior(a) . . . . .	3,463	—	241	2	2	4,006
Baroda(a) . . . . .	1,963	231	224	9	0.6	2,855
Total, States and Agencies . . . . .	55,227	8,892	12,660	2,834	1,526	93,189
Total, India . . . . .	206,117	48,813	92,058(c)	6,317(d)	5,691	388,998

(a) The six States that appear here are those with the largest population.

(b) Including feudatories.

(c) The total population of India recorded by communities at the Census of 1941 was 386,667,000. The remainder, 2,331,000, consists of persons in the North-West Agency and tribal areas beyond the administered border, whose community could not be ascertained. The conditions of the region, however, indicate that they may be regarded as Moslems. If they are counted as Moslems, the total number of Moslems in India becomes 94,389,000.

(d) The figures for Christians given in the Census overlap with those for Tribes. Allowing for this, the total number of Christians is estimated at 7,250,000.

## APPENDIX II

THE ESTONIAN CULTURAL AUTONOMY LAW OF FEBRUARY 5, 1925<sup>1</sup>

This law consists of thirty-one paragraphs, of which the first declares the autonomous institutions of the national minorities to derive their authority from the same Estonian legislation as authorises the establishment of local self-governing institutions. Like the latter, the minority institutions can act only in accordance with the law of the land.

Para. 2. The competence of the minority autonomous institutions includes :

(a) The organisation, administration and supervision of the public and private educational establishments of the minority in question.

(b) The care of the other cultural needs of the minority concerned and the administration of institutions and undertakings created to this end.

The self-administration of the welfare institutions of the minority is regulated by a special law.

Para. 3. The cultural autonomous administration is entitled to enact bye-laws, binding on its members, within the sphere defined in Para. 2.

Para. 4. The public school organisation of the minority is determined jointly by the minority-administration and the local authorities concerned, and confirmed by the Government on the motion of the Minister of Education, who also acts as umpire should the minority-administration and local authorities disagree. Existing public schools with the language of instruction of the minority come under the control of the minority authorities. When a minority school is opened, or taken over, the State decides what subsidies or other services shall be provided for it by the local authorities.

Para. 5. The organs of the national autonomy of each minority are its Cultural Council and its Cultural Administration. Subordinate institutions with local competence may also be created.

Para. 6. The financial resources of the autonomous institutions are drawn from the following sources :

(a) Payments and other services made by the State for public elementary and secondary schools.

(b) Similar payments, etc., made by the local authorities, as decreed by the State.

(c) Subsidies for cultural purposes from the State and autonomous authorities.

(d) Public taxes levied, if necessary, on its members by the National Council; the rate and basis of such taxation to be authorised by the Government on the joint motion of the Ministries of Finance and Education.

Para. 7. The local authorities are released from the obligation to provide instruction for the minority wherever the minority itself has assumed this duty.

Para. 8. Under 'Minority' within the meaning of this law is understood the German, Russian and Swedish minorities, and any other minority numbering not less than 3,000 persons.

Para. 9. Membership of a minority is determined by a national register, on which Estonian citizens of the above minorities may enter their names if at least 18 years of age. Children under 18 follow the nationality of the parents. If the parents are of different nationality, the nationality of the child is decided by agreement between them; failing such agreement, the child follows the nationality of the father. A child reaching the age of 18 must register within a year if he wishes to belong to the minority.

<sup>1</sup> See H. Kraus, *Das Recht der Minderheiten* (Berlin, 1927), 191ff.

Para. 10. The names of members are erased from the register (a) on death, (b) on loss of Estonian citizenship, (c) on their own request. In cases (b) and (c) they must fulfil their financial obligations up to the end of the current year. Members leaving the register under (c) may apply for readmission; but the autonomous authorities have the right to refuse the request.

Para. 11. Voting members of the minority are registered members of full age entitled to vote in communal elections.

Para. 12. Membership of the minority does not exempt any person from his obligations as a citizen or from his local obligations.

Para. 13. If, for unavoidable reasons, members of a minority make use of State or local institutions when they possess such institutions of their own, subsidised out of public funds, the minority autonomous institutions must defray the cost.

Para. 14. The Government may dissolve the Cultural Council, when a new Council must be elected within three months.

Para. 15. The minority institutions are dissolved :

(a) if the Cultural Council so decides, by a two-thirds majority, or

(b) if the membership of the minority sinks below 3,000, or if the registered adult membership falls to below 90 per cent. of the total of the minority as shown by the last census.

Para. 16. Minorities wishing to set up autonomous institutions inform the Government to that effect.

Paras. 17ff. regulate the elections to the first Cultural Council, laying down a procedure analogous to that of the compilation of ordinary voting lists. If less than 50 per cent. of the persons registered as voters take part in the election, no Council is elected, and no further application can be entertained for three years. If a sufficient number of voters take part in the election, the President of the Committee appointed for the purpose (designated by the minority and confirmed by the Government) arranges for the election of the Cultural Council, which again has to decide whether it wishes to exercise the autonomy envisaged. If it does so decide by a two-thirds majority, the State declares the autonomy to be in force, and must take all the necessary administrative steps within four months. If this majority is not obtained, the Council is dissolved, and no further application may be made for three years. The costs of the election are borne by the minority.

Para. 31. In regions where a minority is in a local majority, the State may establish a local national-cultural self-government for its subjects who are Estonians by nationality.

The explanatory statement which accompanies this law is in many respects more interesting, and indeed more illuminating, than the law itself. In a preamble it points out how other States, notably Russia, had failed to solve the problem of the co-existence of various nationalities within its frontiers. If the principle of the equality of rights of all citizens is to be effective, then every member of a minority in a State must have the same possibilities of national-cultural development as the majority. And clearly each people knows its own cultural needs best.

Two fundamental articles of the Estonian constitution are quoted :

(a) 'All Estonian citizens are equal before the law. Differences of birth, religion, sex, status or nationality cannot be the cause of any favour or discrimination in public life.'

(b) 'Every Estonian citizen is free to determine his own nationality. If he cannot do this personally, the law shall do so.'



Other fundamental laws guarantee members of minorities instruction in their mother-tongues and allow for the possibility of self-government on national-cultural matters.

The committee set up to elaborate the Cultural Autonomy Law worked on certain principles, as follows :

As Estonia was the first State to work out legislation of this kind, and had no precedents to work on, the law had to be provisional and general in character.

All minorities of Estonia must be placed on the same footing, *i.e.* given the same opportunities of cultural development.

Cultural autonomy is considered in law as a branch of 'social self-government'. It must therefore be under the control of the State, like the local self-government institutions.

It must rest not on the territorial, but on the personal basis.

A clear distinction must be drawn between the cultural development of the minority and its political requirements; this is done by exact delimitation of the sphere of competence of the national self-government, and by the power retained by the Government to dissolve the Cultural Council, if it exceeds its powers, and to order new elections.

'Nationality' is not taken as identical with 'race'; it is determined by the full declaration of the individual.

The term 'national minority' means all Estonian citizens whose names are entered on the national register.

The law is then analysed and commented on. The national autonomous institutions possess legal personality, as institutions fulfilling public functions. The Government is a supervisory rather than a superior authority, except in so far as it has the power to dissolve the Cultural Council. The national institutions enjoy, however, complete freedom of action within their own sphere of competence. They are completely free in the choice of their organs and the election of their officials, and are treated like other State institutions in respect of stamp duty, etc.

The autonomous institutions control both the public and the private schools of their members. Their school councils have the same status *vis-à-vis* the Ministry of Education as the local school councils of the local authorities. They have, however, no authority over any schools giving instruction in the minority language but established for the benefit of persons other than members of the minority. They deal not only with schools but with other cultural institutions.

The organs are: the Cultural Council and the Cultural Administration. As the general principle is personal, the Cultural Council represents all members of the minority, wherever domiciled; but its members are elected on a local basis. and subordinate councils may be created to deal with local problems.

Entry on the register is a matter for the free decision of the individual; but to prevent abuses the consent of the autonomous authorities is required if persons who have voluntarily left the organisation wish to re-register.

The State has the right and duty to supervise the activities of the institutions, and is therefore empowered, if necessary, to dissolve the Council and order new elections. The minority may itself close down its own functions.

The remainder of the explanatory statement elucidates the final provisions of the law relating to the system of election.

## APPENDIX III

EXCERPTS FROM THE SWISS CONSTITUTION<sup>1</sup>

*Article 72.* The National Council<sup>2</sup> is composed of deputies of the Swiss people, elected on a basis of one member for each 22,000 of the total population. Fractions above 11,000 are counted as 22,000.

Each Canton and, in the divided Cantons, each half-Canton elects at least one deputy.

*Article 80.* The Council of States<sup>3</sup> is composed of forty-four deputies of Cantons. Each Canton chooses two deputies; in the divided Cantons, each half-Canton elects one.

*Article 95.* The supreme directive and executive authority of the Confederation is exercised by a Federal Council of seven members.

*Article 96.* The members of the Federal Council are elected for four years by the Councils sitting in joint session, and chosen from all Swiss citizens eligible for the National Council. At the same time, not more than one member of the Federal Council may be chosen from any one Canton.

The Council is entirely reconstituted after each reconstitution of the National Council.

The places of the members who resign in the course of the four years are filled for the remainder of their term of office at the first session of the Federal Assembly.

*Article 101.* The members of the Federal Council have a consultative voice<sup>4</sup> in the two chambers of the Federal Assembly, as well as the right to make proposals there concerning the subjects under discussion.

## APPENDIX IV

## NOTE ON THE FINANCIAL PROSPECTS OF PAKISTAN

## 1. Population

'Pakistan' will be taken in this note to include the Provinces of the Punjab, Sind, the North-West Frontier Province and British Baluchistan, without any change in their present boundaries. The populations of these Provinces (1941 Census) are as follows:—

	<i>Total population</i>	<i>Moslems</i>	<i>Percentage of Moslems to total</i>
	<i>Millions</i>	<i>Millions</i>	
Punjab . . . . .	28.42	16.22	57
Sind . . . . .	4.54	3.21	71
N.W.F.P. . . . .	3.04	2.79	91
British Baluchistan . . . . .	.50	.44	88
Total for Pakistan . . . . .	36.50	22.66	62
Total, British India . . . . .	295.83	79.4	27

(Figures for N.W.F. Province are confined to the Districts. The population of the agencies and tribal areas is estimated at 2.38 millions, probably almost entirely Moslem.)

The Pakistan Provinces contain 12.3 per cent. of the total population of British India and 28.6 per cent. of the total Moslem population of British India.

<sup>1</sup> Author's translation from the French text.

<sup>2</sup> The lower chamber of the Federal Legislature.

<sup>3</sup> The upper chamber of the Federal Legislature.

<sup>4</sup> I.e. the right to speak, but not to vote.

Figures showing the distribution of population between towns and other areas are given in the next table. The Census Returns in Table I of each Provincial Volume distinguish between 'rural' and 'urban' by including in the latter category all persons living in municipalities of 'usually' not less than 5,000 inhabitants. For present purposes it seems more useful to follow the example set by the 'Special Committee appointed to investigate certain facts relevant to the economic and financial relations between British India and Indian States', commonly called the 'Fact Finding Committee' (Report, 1932), and to record the population of (a) towns of 10,000 to 20,000, (b) towns of 20,000 to 50,000, and (c) towns of 50,000 inhabitants and over.

	(1) <i>Total population</i>	(2) <i>Towns of 10,000 to 20,000</i>	(3) <i>Towns of 20,000 to 50,000</i>	(4) <i>Towns of 50,000 and over</i>	(5) <i>Total for towns of 10,000 and over</i>
	(000)	(000)	(000)	(000)	(000)
Total, British India . . .	295,827	7,345	7,680	18,039	33,064
Punjab . . . . .	28,419	725	1,071	1,934	3,730
Sind . . . . .	4,535	103	50	651	804
N.W.F.P. . . . .	3,038	103	290	131	524
British Baluchistan . . . .	502	—	64	—	64
Total for Pakistan . . . .	36,494	931	1,475	2,716	5,122

It will be seen that Pakistan has no less than 15.5 per cent. of the British Indian total of the population concentrated in towns of 10,000 and over: the corresponding percentage in respect of the groups of towns given in columns (2), (3) and (4) of the statement are (2) 12.6, (3) 17.9 and (4) 15.0. These percentages compare with that which represents the proportion of the total population of British India contained in Pakistan, viz 12.3.

## 2. Industries

Another factor relevant to the comparison of the economic positions of Pakistan and of British India as a whole is the degree of industrialisation in each area. The next table gives the average daily numbers of workers employed by different industries in British India; workers in Government Clothing Factories, Government Dockyards and Government Ordnance Factories and in Government or Company Railway Workshops are shown separately because they are related to Defence and to Railways, which will be considered separately. The figures are for 1939, as given in the *Statistical Abstract for British India from 1930-31 to 1939-40* (Table No. 200).

	<i>Workers in Defence and Railway industries (as above)</i>	<i>Workers in other industries</i>	<i>Total</i>
	(000)	(000)	(000)
Total: British India . . .	142	1,609	1,751
Total: Pakistan . . . . .	22	85	107

It will be seen that the workers in 'other industries' in Pakistan represent 5.3 per cent. of those in British India as a whole, whereas the population of the Union is 12.3 per cent. of that of British India as a whole.

## 3. Minerals

Table No. 197 in the same Statistical Abstract yields the following figures for the total *value* of the chief minerals produced in 1938 (including petroleum):

	<i>Rs. lakhs</i>
British India . . . .	15,39.02
Pakistan . . . . .	67.17

The chief minerals listed are coal, gold, petroleum, chromite, copper, graphite, iron-ore, magnesite, manganese ore and mica, of which only the first four are produced in Pakistan (gold in negligible quantity). On this production basis, Pakistan's mineral wealth may be put at 4.4 per cent. of that of British India as a whole.

If urban population is an index of prosperity, the above results show that the Union's backwardness in industrial development and mineral wealth is more than counterbalanced by its relative agricultural prosperity coupled with the abnormally heavy share of Defence expenditure, especially in the form of pay and pensions, that before the present war fell to be disbursed in the Punjab.

## 4. Revenue of the Existing Centre

The principal heads of Revenue in the Central Government's accounts for 1938-9 were:

	<i>Rs. (000)</i>
Customs . . . . .	40,50,53
Central Excise-duties . . . . .	8,65,73
Corporation Tax . . . . .	2,03,72
Other taxes on income . . . . .	13,74,44
Salt . . . . .	8,12,04
Opium . . . . .	50,89
Other heads . . . . .	1,03,20
	<b>74,60,58</b>

In addition the Accounts show other sources of revenue which are reduced to nil if set off against corresponding heads of expenditure (irrigation, debt services, civil administration, civil works, etc., miscellaneous, and defence services). There remain (apart from extraordinary items) the following sources of income:

	<i>Rs. (000)</i>
Railways, receipts less expenditure . . . . .	1,37,32
Posts and Telegraphs . . . . .	18,98
Currency and Mint . . . . .	22,42
	<b>1,78,72</b>

## 5. Customs

Pakistan's only ports will be those in Sind—Karachi and certain insignificant minor ports. The following figures are taken from the Combined Finance and

Revenue Accounts for 1938-9. Land customs are omitted as there were no receipts in Sind under that head.

	<i>Gross receipts import-duties</i>	<i>Refunds and drawbacks</i>	<i>Net receipts import-duties</i>	<i>Gross export-duties</i>	<i>Refunds exports</i>	<i>Net export-duties</i>
British India . . .	<i>Rs. lakhs</i> 39,80.13	<i>Rs. lakhs</i> 1,43.51	<i>Rs. lakhs</i> 38,36.62	<i>Rs. lakhs</i> 4,10.06	<i>Rs. lakhs</i> .85	<i>Rs. lakhs</i> 4,09.21
Sind . . .	5,50.76	—	—	1.94	—	—
	<i>Gross receipts, miscellaneous</i>	<i>Refunds, miscellaneous</i>	<i>Net receipts, miscellaneous</i>	<i>Total gross receipts</i>	<i>Total refunds</i>	<i>Total net receipts</i>
British India . . .	<i>Rs. lakhs</i> 12.68	<i>Rs. lakhs</i> .16	<i>Rs. lakhs</i> 12.52	<i>Rs. lakhs</i> 44,02.87	<i>Rs. lakhs</i> 1,44.52	<i>Rs. lakhs</i> 42,58.35
Sind . . .	1.19	—	—	5,53.89	84.92	4,68.97

It may be assumed that the refunds under 'exports' and 'miscellaneous' against Sind were not more in proportion to gross receipts than in British India as a whole, i.e., did not exceed Rs. 4,000 in the case of exports and Rs. 1,000 in the case of miscellaneous. This leaves Rs. 84.87 lakhs of refunds and drawbacks to be assigned to import duties, making the net receipts under that head Rs. 4,65.89 lakhs. This figure is 12 per cent. of the all-India net receipts from import duties (sea and land customs), viz., 38,79.8 lakhs.

(Note. The very high scale of refunds in Sind is due to the fact that Karachi is the main port for transit trade to Eastern Persia, Afghanistan and Kashmir.)

It must be remembered, however, that figures for the ports of Sind may not be representative of consumption within Pakistan, since they serve other areas also. It is therefore desirable that the above result should be checked by the method which was followed in the Report of the 'Fact Finding Committee'. This method involves the classification of dutiable imports between those of universal consumption, those consumed mainly in towns of all sizes and those consumed mainly in large towns, with special treatment of materials for mining and industries. The following table shows the total figures of population in Pakistan and in India as a whole (excluding States which do not contribute to the Customs revenue of British India).

	<i>Total</i>	<i>Total for towns of 10,000 and over</i>	<i>Total for towns of 20,000 and over</i>	<i>Total for towns of 50,000 and over</i>
	(000)	(000)	(000)	(000)
All India, net . . . . .	37,21.42	3,80.07	2,89.30	2,02.40
Pakistan . . . . .	3,64.94	51.22	41.91	27.16
Percentage . . . . .	9.8	13.5	14.5	13.4

On this basis and in accordance with the principles of distribution adopted by the 'Fact Finding Committee', Pakistan's share of the customs revenue may be estimated at 4,45.05 lakhs.

As to *Export-duties*, Karachi is not a port in normal circumstances for the export of jute, and all that need be considered is the comparatively small exports of rice from Sind. The 1938-9 figure for this is Rs. 1.87 lakhs less .04 refunds.

The export cess on agricultural products was not in force in that year, but may be ignored on the assumption that it will be offset by further expenditure on agricultural development, for which purpose the cess was imposed. For *Miscellaneous*, the 1938-9 figure can also be taken: Rs. 1.19 lakhs less .01 refunds.

The total revenue from Customs, on the 1938-9 basis, may thus be estimated at  $4.45.05+1.83+1.18=4.48.06$  lakhs.

#### 6. Central Excise (excluding Salt)

These are collected on kerosene, motor spirit, sugar, matches and steel ingots. There is no steel industry worth speaking of in Pakistan. Sugar and matches are made in Pakistan, but on a scale much below consumption (collection figures 1 and  $1\frac{1}{2}$  per cent. of the all-India totals, respectively). For kerosene and motor spirit, on the other hand, the Punjab contains one of India's two sources of supply. There would be no obstacle to Pakistan becoming self-sufficient in the matter of match manufacture, but climatic conditions make this more difficult in the case of sugar. It may be assumed that the gap would be made up by continued imports from other parts of India, notably the United Provinces; and for present purposes it may also be assumed that the import-duty on Indian sugar will be the same as the excise-duty. The yield must be calculated on estimated consumption. Matches were classified by the 'Fact Finding Committee' as articles of universal consumption. The population basis (British India, not All-India, since States take a share of the tax) may, therefore, be taken, and this gives, at 12.3 per cent., a total of 26.82 lakhs for Pakistan. Sugar is classified by the same Committee as intermediate between articles of universal consumption and articles used in towns of 10,000 and over: since many States escape this tax, the British India figures may be taken and 12.5 as the percentage. This gives a yield of 52.98 lakhs.

The taxes on kerosene (universal consumption) and motor spirit (not in the 'Fact Finding Committee' lists, compiled before the separation of Burma) are not escaped by the States generally: thus consumption must be calculated on a basis of the all-India figures, including non-maritime States. This gives 10 per cent for kerosene: motor spirit can be classified as 'intermediate', and a figure of 12 per cent. adopted. The consumption basis is then as follows:

	<i>Total net revenue</i>	<i>Pakistan's share</i>
	<i>Rs. lakhs</i>	<i>Rs. lakhs</i>
Kerosene . . .	67.45	6.74
Motor spirit . . .	1,19.87	14.38

The actual net collections in the area of Pakistan were 6.46 lakhs and 27.26 lakhs respectively: it must be assumed that Pakistan (its refineries being in competition with Burma and foreign ones) will not be able to retain the duty on motor spirit exported to the rest of India.

From these calculations Pakistan's share of Central excise-duties in 1938-9 emerges as follows:

	<i>Rs. lakhs</i>
Matches . . . . .	26.82
Sugar . . . . .	52.98
Kerosene . . . . .	6.74
Motor spirit . . . . .	14.38
Total . . . . .	1,00.92

	<i>Rs. (000)</i>
Customs . . . . .	4,48,06
Central excises . . . . .	1,00,92
Corporation tax . . . . .	15,28
Other taxes on income . . . . .	1,21,10
Salt . . . . .	76,65
Other heads . . . . .	18,87
<b>Total . . . . .</b>	<b>7,80,88</b>

### 13. Other Sources of Net Revenue

Of the three items mentioned in paragraph 4 above, Railways will be dealt with separately. Even if Pakistan had not its own mint, it would normally enjoy its share of the profits under 'currency and mint', reduced by a very small amount for seigniorage. The total is not large enough to warrant the making of detailed calculations, and 12½ per cent. of the Indian total, i.e., 2·8 lakhs, may be assigned to Pakistan. Similarly, 12½ per cent. of the net income from 'posts and telegraphs' or 2·37 lakhs may be assigned to Pakistan. The total revenue, therefore, omitting Railways, amounts to

	<i>Rs. (000)</i>
Principal Heads . . . . .	7,80,88
Currency and Mint . . . . .	2,80
Posts and Telegraphs . . . . .	2,37
<b>Total . . . . .</b>	<b>7,86,05</b>

It is proposed to set off against 'Debt Services' Pakistan's share of the Extraordinary Receipts of about Rs. 3 crores from Búrma, made up of 2,25 lakhs Debt Service and 75 lakhs contribution towards pensions. The other extraordinary item (transfer from Revenue Reserve) is ignored, as that reserve is exhausted.

### 14. Expenditure of the Existing Centre

It was observed in paragraph 4 above that a number of receipt heads other than 'Principal Heads of Revenue' carried countervailing expenditure. In the following statement the three heads mentioned in that paragraph have been omitted (railways, posts and telegraphs, currency and mint) and *net* figures (expenditure less receipts) have been shown for other heads under 'Ordinary Revenue'.

	<i>1938-9 British India</i>
	<i>Rs. (000)</i>
Direct Demands on the Revenue . . . . .	4,23,60
Irrigation . . . . .	9,24
Debt Services (less interest receipts) . . . . .	13,38,54
Civil Administration . . . . .	9,84,69
Civil Works . . . . .	2,19,58
Miscellaneous . . . . .	2,04,32
Defence Expenditure . . . . .	46,18,00
Contributions and adjustments . . . . .	3,06,32
	<b>81,04,19</b>

15. *Direct Demands on the Revenue*

This comprises cost of collection together with assignments and compensations. Details are

	<i>Assignments, etc.</i>	<i>Other charges</i>	<i>Total</i>
	<i>Rs. (000)</i>	<i>Rs. (000)</i>	<i>Rs. (000)</i>
Customs . . . . .	41,37	78,18	1,19,55
Central excises . . . . .	34,12	11,65	45,77
Corporation tax . . . . .	—	8,93	8,93
Other taxes on income . . . . .	—	66,82	66,82
Salt . . . . .	38,92	64,93	1,03,85
Opium . . . . .	1,19	24,37	25,56
Land-revenue . . . . .	43	4,48	4,91
Provincial excise . . . . .	2,03	4,18	6,21
Stamps . . . . .	—	16,81	16,81
Forests . . . . .	—	22,65	22,65
Registration . . . . .	—	10	10
Motor Vehicles Act . . . . .	2,10	23	2,33
	1,20,16	3,03,33	4,23,49

Assignments and compensations may be said, broadly speaking, to represent payments out of revenue to various States in consideration of the fact that their inhabitants are subject to indirect taxes collected by the Central Government. As the revenue yield under customs, Central excises and salt has been calculated on the consumption basis, such payments out of revenue are left out of account. For reasons already given, the whole of the opium head is left out of account. We are thus left with the following figures: assignments, etc., 4.56 lakhs; other charges 303.33 lakhs.

Expenditure on account of collection, unlike revenue receipts, can in most cases be assigned according to the place of incidence, apart from charges of Central supervision. On this basis the costs of collection of revenue of Pakistan may be calculated as follows.

(a) *Customs*. Pakistan Provinces 8.31; India General 2.78. The latter item is made up chiefly of charges paid to the post office for the collection of duty and leave salaries, etc., paid in England. The postal charges will be divided on the import revenue basis (10.4 per cent.): the Home charges in accordance with Pakistan's share of expenditure on 'pay of officers' (9.8 per cent.). The resulting total is 8.31 + .27 = 8.58. (b) *Central excises*. As the collection is chiefly done by another Department, which is paid a lump sum, Pakistan may be assigned a share corresponding to its share of the revenue (11.7 per cent.). This gives a figure of 1.86 lakhs. (c) *Corporation tax*. Pakistan Provinces .22 lakh. (d) *Other taxes on income*. Pakistan Provinces 9.40 lakhs; India General 1.56. (N.B. Punjab figures include Delhi, and Sind and Baluchistan figures are included in Bombay, as a result of administration arrangements; as revenue in Delhi exceeded revenue in Sind and Baluchistan by Rs. 5,000 only, which is 7 per cent. of the Punjab revenue figure, the amount assignable to Pakistan may be put at 9 lakhs. This is 13.5 per cent. of the total for British India; if this percentage is applied to India General, the following final result emerges—9.00 + .21 = 9.21.) (e) *Salt*. Sind 1.51 lakhs, Northern India Salt Revenue Department (excluding royalties and compensations) 27.25. India General .24. The N.I. Salt Revenue total is divisible according to receipts as follows: Pakistan, 36.6 per cent.; the rest 63.4 per cent. The application of this percentage to expenditure gives 9.97 lakhs as the Punjab plus N.W.F. Province share of expenditure. With Sind, this gives a total of 11.48 lakhs. This is 17.5 per cent. of the all-India total; so Pakistan's share of 'India General' is Rs. 40,000. Final total, 11.52 lakhs. (b) *Land-revenue and other Provincial Heads*. Expenditure in Baluchistan is shown separately in the



'Combined Finance and Revenue Accounts': the total under these heads is 5-80 lakhs.

The above figures all relate to the existing administrative structure of India. Provision must also be made for a land customs line between Pakistan and the rest of India, in continuation of the line between Sind and Cutch, which is already in existence but which was not in existence in 1938-9. It may be taken that the cost of such a line will be comparable, according to the nature of the country, with the cost of the existing lines within geographical India. These are

<i>Frontier</i>	<i>Approximate mileage</i>	<i>Cost</i>	<i>Cost per mile</i>
		<i>Rs. (000)</i>	<i>Rs (000)</i>
Goa . . . . .	187	2,88	1,600
Pondicherry and Karikal . . . . .	120	1,22	1,000
Sind-Cutch . . . . .	250	1,64	650

It may be assumed that open parts of the frontier with good railway communications will be comparable with the first two, say 1,300 rupees a mile; desert frontiers with the third, 650 rupees. The total length of the frontier between Pakistan and India (including Cutch) will be approximately 1,680 miles (after allowing for the straightening out of various sections of the line by leaving outside the line irregularly bounded areas which would have special treatment as 'frontier zones'). Of this the following stretches can be treated as desert frontiers: between Sind and Cutch-Rajputana-Khairpur-Rajputana-Bahawalpur (excluding 60 miles where the Khairpur frontier runs along the Indus river), 580 miles: between the Punjab and Rajputana, as far as Alwar State, 250 miles: between the Punjab and Simla Hill States (leaving Simla and Kulu as 'frontier zones'), 170 miles. Total 'desert', 1,000 miles. The open frontiers are the stretch of river boundary between Sind and Khairpur, 60 miles: the boundary between Bahawalpur and the Punjab, 300; that between Gurgaon district and Rajputana, 80 miles; between the Punjab and the United Provinces, 170 miles; and between the Punjab and Delhi Province, 70 miles. Total 'open', 680 miles. Cost of Customs line: 'desert' 6.5 lakhs, 'open' 8.8 lakhs: total 15.3 lakhs.

If Khairpur and Bahawalpur are in a customs union with Pakistan, the frontier of 250 miles 'desert' and 60 miles 'open' between Sind and Khairpur will be replaced by one of 100 miles 'desert'; and the 300 miles 'open' frontier between the Punjab and Bahawalpur will be replaced by 330 miles 'desert' frontier between that State and Rajputana. This will reduce the cost of administration by 1.75 lakhs (Khairpur) plus 1.75 lakhs (Bahawalpur): total 3.5 lakhs.

If the frontier were shortened to exclude the cis-Sutlej area, the saving would be 330 miles 'desert' and 140 miles 'open', representing a total of 3.96 lakhs.

As these arrangements cannot be presumed, the new land customs expenditure must be estimated at 15.3 lakhs.

The combined figures for Pakistan's 'direct demands' on the revenue may now be set down.

	<i>Rs. (000)</i>
Customs (old) . . . . .	8,58
Customs (new) . . . . .	15,30
Central excises . . . . .	1,36
Corporation tax . . . . .	22
Other taxes on income . . . . .	9,21
Salt . . . . .	11,52
Land-revenue, etc. . . . .	5,30
	<hr/> 51,49

## 16. Irrigation

The figures in the Combined Finance and Revenue Accounts, Statement No. 2, are as follows:

	Pakistan (Sind and Baluchistan)	Residual India	Total
	Rs. (000)	Rs. (000)	Rs. (000)
Net receipts . . . . .	1,00	-13	87
Expenditure—			
Revenue . . . . .	7,71	2,09	9,80
Capital expenditure out of revenue . . . . .	31	—	31
Excess of expenditure over net receipts . . . . .	7,02	2,22	9,24

The principal expenditure is connected with the Sukkur Barrage, largely interest.

## 17. Civil Administration

The totals of Central expenditure and receipts are distributed geographically as follows:

	India General	Baluch- istan	Punjab	N.W.F. Province	Sind	Rest of India	Total
	Rs. (000)	Rs. (000)	Rs. (000)	Rs. (000)	Rs. (000)	Rs. (000)	Rs. (000)
Expenditure . . . . .	5,57,02	61,51	29,37	1,59,10	7,29	2,75,42	10,89,71
Receipts . . . . .	51,90	2,07	85	3	1,48	48,69	1,05,02
Excess of expenditure over receipts . . . . .	5,05,12	59,44	28,52	1,59,07	5,81	2,26,73	9,84,69

The high scale of expenditure in Baluchistan and the N.W.F.P. is partly due to large payments under the head 'Tribal Areas' (26.97 lakhs and 152.85 lakhs respectively). The balance of Baluchistan payments mainly covers items which in the Pakistan Provinces are borne by Provincial revenues. For present purposes 'Tribal Areas' may be considered along with 'Defence', as also 'Ecclesiastical' (4.49 lakhs incurred in the Pakistan Provinces). The total net expenditure incurred under 'Civil Administration' in Pakistan territory, on this basis, is 69.08 lakhs.

## 18. General

The Pakistan Government will also have to incur on its own behalf certain expenditure corresponding to the entries under 'India General'. Concisely, this may be classified as follows, net figures less receipts:

	Rs. (000)
(1) General Administration . . . . .	1,71,72
(2) Audit . . . . .	35,84
(3) Justice . . . . .	6,61
(4) Jails and convict settlements . . . . .	20,13
(5) Ecclesiastical . . . . .	10,64
(6) Payments to Crown Representative (Indian States) . . . . .	41,58
(7) External Affairs . . . . .	53,07
(8) Other Departments (including Agricultural Research and Aviation) . . . . .	1,65,53
	5,05,12

Item (2) may follow the proportion that Pakistan's share of other items bears to the Indian total of such other items. Item (3) is omitted, as it relates partly to Chief Commissioners' Provinces (Delhi) and partly to the Federal Court. Item (4) may also be omitted in the expectation that Pakistan will make its own arrangements by adaptation of local facilities. Item (5) rightly belongs to Defence and may be omitted here. Item (6), as most of the Indian States with which Pakistan would be specially concerned are relatively unimportant, this item is omitted. Item (7) prospects in this field cannot be predicted but, since some 30 lakhs of the expenditure may be taken to be connected with countries to the West of Pakistan, it is hard to see how it can escape at least half of this liability.

The main heads contributing to item (1) are, omitting 'district administration' (in Chief Commissioners' Provinces).

	<i>Rs. (000)</i>
A. Governor-General . . . . .	31,85
B. Legislative Bodies . . . . .	11,49
C. Secretariat and Headquarters (estimates) . . . . .	82,63
H(A). Secretary of State . . . . .	14,91
H(B). High Commissioner . . . . .	26,46

Item H(A) will be left out of account: and it will be assumed that Pakistan would not maintain a Stores Department in England, the Stores Department was responsible for 17,87 out of the above total under H(B). Perhaps Pakistan would be content with a Trade Representative in England, and perhaps its share of H(B) could be reduced to one lakh. What to allow for A, B and C is problematical. Conceding possibilities of adjustment with Provincial Governments, to avoid overlapping, which will arise in a small federation, we may perhaps assign to heads A, B and C expenditure in Pakistan not exceeding that now borne under the same heads by the Provincial Government of the Punjab, *i.e.*, 38 lakhs. Capital expenditure for new buildings, etc., will have to be met from loans, so the cost can be expressed in terms of an addition to debt service. No entry has, however, been made on that account in the calculations relating to debt service, for the reason that the expenditure in question would involve a comparatively small addition to the general debt, the dimensions of which are largely a matter of guesswork.

The Pakistan Secretariat so provided for would carry the headquarters functions under the Departments grouped in item (8) above; but it is very difficult to pick these out, and it seems permissible to resort to the crude device of assigning to Pakistan a share of expenditure on the population basis, 12·8 per cent. This gives a figure of 20,36.

The following figures under 'Civil Administration', excluding Audit, emerge:

	<i>Rs. (000)</i>
Pakistan territories:	
Civil Administration . . . . .	69,03
'India General':	
General Administration . . . . .	33,00
(High Commissioner) . . . . .	1,00
"External Affairs" . . . . .	15,00
Other Departments . . . . .	20,36
	<hr/> 1,38,39

This is approximately 20 per cent. of the India total under Civil Administration net. less 'Tribal Areas' and 'Ecclesiastical' and less Audit, (*viz.*, 6,86,30). Add 20 per cent. of 35,84 for Audit, or 7,17, and the final total for Pakistan is 1,45,56.

#### 19. Civil Works

Of the large item of expenditure no less than 1,56 lakhs represented a block grant for transfer to the Central Road Fund. Pakistan would look after its own roads, and this item may be omitted.

Central expenditure under this head incurred in Baluchistan and the Pakistan Provinces totalled 10,83. This figure may be adopted.

#### 20. Miscellaneous

The main items on the receipt side are 'Receipts from Indian States' (60,47), of which only 56 were collected in the Pakistan area, and sub-head 'Miscellaneous' (66,59)—the figures for which under 'India General' cannot readily be apportioned geographically, but against which there was an expenditure entry of 27,84. The net amount received under sub-head 'Miscellaneous' collected in Pakistan territories was 6,30; and this figure may be taken. The main items on the expenditure side are 'Superannuation Allowances and Pensions' and 'Stationery and Printing'.

#### 21. Superannuation Allowances and Pensions<sup>1</sup>

It is to be expected that the method of settlement finally chosen in the case of Burma would be adopted, *i.e.*, this liability would take the form 'of a series of annual payments which will diminish gradually to zero over a period of 20 years'.<sup>2</sup> For present purposes it may be assumed that the gradually dwindling payments on this account *plus* the gradually growing payments that would fall on the Pakistan Government in respect of new pensioners from the corresponding services would be equal to annual expenditure out of revenue on the existing plan, so far as that can be assigned to Pakistan. The task of determining Pakistan's share would be very complicated, and at this stage a very rough estimate must suffice. The place of disbursement of Central pensions in India is not directly relevant, as the liability for pensions must fall on the regions in which they were earned, which may well be very different from those in which they are drawn. Moreover, 80 per cent. of the total was brought to account under the head 'India Central'.

The pensions paid to members of the all-India Services and debitable to Provinces are paid by these Provinces, as well as the pensions due to officers from the Provincial Services. Thus provision need be made in Pakistan Central finances only for (1) pensions debitable to Baluchistan, and (2) Pakistan's share of pensions related to Central expenditure. In 1938-9, the cost of 'General Administration' actually incurred in Baluchistan was 11,03: in the same year, the combined cost of 'General Administration' in the three Pakistan Provinces (excluding 'Heads of Provinces' and 'Legislative Bodies') was 1,41,42: Baluchistan's figure is about 8 per cent. of this. If this percentage is applied to the total Provincial expenditure of the three Pakistan Provinces under this head (*viz.* 1,05,98 net), the result for the Baluchistan administration is 8,48. Pakistan's share of Central pensionary liability already incurred may be taken at the same level as its share of Central debt. As will be shown below, this comes to about 10.5 per cent., from which must be excluded the Baluchistan figure of 8,48 calculated above, leaving 2,65,00; and 10.5 per cent. of this is 27,82. Under this sub-head, therefore, the total is 36,30.

<sup>1</sup> This head does not include military pensions.

<sup>2</sup> Sir James Grigg's Budget Speech for 1937-8, *Legislative Assembly Reports*, February 27, 1937, p. 1161.

There remains under 'Miscellaneous' the item 'Stationery and Printing', net 30,00. As most of this is brought to account under 'India General' an arbitrary assignment must be made for Pakistan. Taking the population percentage, the figure will be 3,69.

Total for 'Miscellaneous':  $-56-6,30+36,30+3.69=33,13$ .

## 22. Contributions and Adjustments

The main item is 3,04,72, being 'grants-in-aid' to Provincial Governments. Of this total, Sind and the N.W.F. Province received 1,05,00 and 1,00,00 respectively. Though in the long run Sind's agricultural development might well reduce, if not entirely remove, its claim for help from the Pakistan Government, this claim would be an immediate liability: and the N.W.F. Province will always require subvention. Under this head, therefore, a total of 2,05,00 may be adopted.

## 23. Railways

The railways in Pakistan territory (nine-tenths, North-Western Railway) worked in 1938-9 at a net profit of 1,28 lakhs on the commercial lines and a net loss of 1,82 lakhs on the strategic lines. The latter have been considered in connexion with Defence in Chapter VIII. Without them, these railways were working at such a profit as to represent a substantial source of strength to the potential finances of Pakistan. The enhancement of passenger freights in the Central budget for 1942-3 may properly be maintained, as of permanent effect, bringing up the profit on commercial lines in Pakistan to 1,50 lakhs

## 24 Debt Services

Productive debt may be left out of account on the general assumption that it produces revenue sufficient, or more than sufficient, to cover the cost of the debt service. The questions to be asked are: (i) What will be the non-productive debt of India after the war? (ii) What would be Pakistan's share of this?

The answer to the first of these questions must clearly be highly conjectural. The Finance and Revenue Accounts for 1938-9 show that interest on debt amounted to (a) recovered through commercial accounts (roughly coinciding with productive debt), 34.62 crores; (b) other interest, less recoveries, 10.38 crores. This suggests that we can place the non-productive debt at that time at 1038/4500 of the total debt. That (rupee and sterling) stood on March 31, 1939, at 1179.06 crores, of which, on the above footing, just under 270 crores would be non-productive.

India has hitherto been in a uniquely favourable position in this war, and has been able to repatriate all its sterling debt without (on paper) increasing its rupee debt by an equal amount. This has been rendered possible only by the heavy spending of the British Government in India during a period when the war was far from India's borders. With the enemy now standing at the gate, measures for the local defence of India have been intensively accelerated. This will create much larger deficits henceforward, and it would be erring on the side of optimism to put India's non-productive debt at less than 500 crores after the war.

The question of Pakistan's share in this liability is a difficult one. The Government of India's plan, in the case of Burma, was to work on the seceding territory's share of the combined Provincial and Central revenues: this method would put Pakistan's share at 10.6 per cent. The Amery Tribunal, for reasons given in their Report, did not accept this plan, and worked (in the first instance) on a computation of direct revenue contributions based on receipts from Customs, Salt, Tributes and Income Tax, to which Central Excises should now be added. This gave a percentage of 8, which was in later paragraphs adjusted for various

reasons to 7½. This method is much less satisfactory with India, where (as already explained) revenue receipts are much less easy to identify with taxation incidence than in the case of a geographically separated Province such as Burma was. For what it is worth, and acting on the estimates of incidence of taxation already put forward in this note, it yields the following result.

	<i>All-India</i>	<i>Pakistan</i>
	<i>Rs. (000)</i>	<i>Rs. (000)</i>
Customs . . . . .	40,50,53	4,46,64
Central excises . . . . .	8,65,73	1,00,92
Taxes on income (including corporation tax)	15,78,16	1,67,88
Salt . . . . .	8,12,04	77,65
Tributes . . . . .	60,47	56
	73,66,93	7,93,65

This gives Pakistan a share of 10·7 per cent. This is curiously near to the figure reached by the Government of India's method. Giving Pakistan the benefit of the doubt, its share of liabilities might be assessed at 10·5 per cent.

Assuming 3 per cent. as the rate of interest, i.e., 4·078 per cent including provision for repayment in forty-five years (the period adopted in the case of Burma) debt service on the whole sum of 500 crores would amount to 20·39 crores per annum. Although Burma is unlikely to be able to resume payment soon, if ever, it may be supposed that its liabilities to India remain an asset, even if not realisable for years to come, and on that account the sum of 2,25 lakhs may be deducted from the 3 crores from Burma mentioned in paragraph 13 above. The payment from Burma also included 75 lakhs on account of pensions. This is a dwindling figure starting at about 80 lakhs in 1937-8 and expected to disappear entirely in 20 years; the 2½ crores annuity, on the other hand, accrues for 45 years from the date of separation. In assessing the potential financial position of Pakistan on separation it may be correct, perhaps, to credit it with its share of one-half of the annual payment for pensions, i.e., of 40 lakhs. The annual amount representing India's unproductive debt is thus reduced by 2,65 lakhs to 17·74 crores. Pakistan's share of this at 10·5 per cent. would be 1·86 crores.

## APPENDIX V

### ABSORPTION OF SMALL STATES

#### *Communiqué*

His Excellency the Crown Representative has for a long period had under intensive review the perplexing political and administrative problems which arise from the existence in Western India and Gujerat of literally hundreds of small units which, though they are usually referred to as 'semi-jurisdictional' or 'non-jurisdictional' estates or talukas, do actually fall within the category of 'Indian States'. Owing to the slenderness of their individual resources and general aversion from neighbourly co-operation there has arisen in this part of India geographical, administrative and economic fragmentation on a scale unknown anywhere else in the country. In the great majority of these units the revenues, which often have to be divided among numerous shareholders, barely suffice to meet the private needs of the talukdars and shareholders, and the amenities provided for their subjects under the supervision of the local Political authorities are therefore sadly circumscribed. In short, the Crown Representa-

tive's survey has fully established that without some drastic simplification of existing arrangements any kind of co-ordinated development of the countryside or any form of real progress is impossible

The problem assumed prominence in 1933 in connexion with the Federal discussions which culminated in the Government of India Act of 1935, but it was eventually decided to be impracticable to form the areas concerned into a local confederacy for purposes not only of remedying their administrative deficiencies but also of facilitating their inclusion in any federal arrangements applicable to India as a whole. Meanwhile, however, the Government of His Highness the Maharaja Gaekwar of Baroda (to whom many of these small units are tributary) had brought forward proposals for bringing those tributaries into closer relations with the Baroda State. These proposals involved *inter alia* the discontinuance of tributary payments and the general assumption, subject to certain safeguards, by Baroda of the functions and responsibilities at present discharged by the Residents and Political Agents.

A fresh approach to the problem has since been made on the lines of these proposals and on a wider basis with a view to afford to other larger States an opportunity to assume similar responsibilities in respect of such units as have similar geographical, economic and political affinities with them. As a result of exhaustive local enquiries into the desirability and practicability of such a solution by way of attachment of small units to larger States, the Crown Representative, acting with the concurrence of the Secretary of State, has decided to adopt it and has finally approved details of the scheme by which it is to be carried into effect. The States to which such responsibilities are to be transferred have been apprised of those details, as have also the units to be attached which collectively cover an area of over 7,000 sq. miles with a population of over 800,000 and an annual revenue of more than 70 lakhs of rupees.

In order that the scheme may be carried into effect with the least possible delay Lt.-Col. G. B. Williams of the Indian Political Service has been placed on special duty in the area concerned. Full details of the scheme, having been communicated by him to all concerned, it is sufficient for the purposes of this general announcement to state that it contains the provision for the continued integrity of the 'attached' units and of the existing powers and privileges of their talukdars and shareholders in so far as may be compatible with modern requirements, and subject to further review after a period of seven years, as also for the allocation of a suitable proportion of the revenue for their personal requirements. The States to which these small units are to be attached will also be required to admit the inhabitants of attached areas to the benefits of administrative amenities such as secondary and technical education and medical treatment, on the same terms as their own subjects, and to provide new hospitals, schools, roads and other amenities where these, though clearly required, are beyond the present capacity of local resources.

The Crown Representative is conscious that the action to which he is now committed may meet with criticism on the ground that it is calculated to infringe the rights and lower the status of many ancient families, or alternatively that the Paramount Power should itself have assumed direct responsibility for such reforms as may be necessary. He has examined the problems from both these points of view and with all due regard to pledges and obligations for the maintenance and support of Indian States, however small and weak. As stated above, provision has been made to implement such obligations in so far as they are compatible with the overriding principle that autocratic powers shall not be abused and that nothing which is not inherently capable of survival should be artificially perpetuated. The ultimate test of fitness for the survival of any State is, in his opinion, capacity to secure the welfare of its subjects, and he regards the forthcoming qualified merger of these small States as a justifiable

solution of any conflict in his obligations towards Rulers and ruled. Experience has shown that the units with which he is now concerned, not only when unaided but even when grouped together as 'thanas' or under close supervision of Political Agents, are unable to achieve the conditions of administrative efficiency which alone can justify in them the perpetuation of any form of hereditary rule. On the other hand, it has been signally demonstrated that in great and wealthy States such as the one now principally concerned, and even in considerably smaller States under beneficent and enlightened Rulers, the requisite efficiency can be abundantly achieved

The assumption of direct responsibility for the necessary reforms by the Paramount Power is regarded by the Crown Representative as impracticable because geographical and other factors preclude the absorption of these areas in British India and because the Political Department is not an administrative organisation or equipped with the machinery and resources of finance and personnel which can only be afforded by the administrative control of large territories. Moreover the areas concerned are so scattered and fragmentated as to make it impossible to bring them under unified central control. These difficulties and deficiencies can, in the Crown Representative's opinion, only be overcome by the course on which he has decided, which involves delegation of the responsibility to those who are in the best position to discharge it, namely the bigger States of Western India and Gujerat. In framing the terms of that delegation he has been fully mindful of the interests of the inhabitants of these small States, of those to whom they owe immediate allegiance and of the larger States with which a new relationship is to be established. To all these parties the Crown Representative admits a continuing responsibility which does not exclude his future intervention, as circumstances may demand, in furtherance of the essential object which he has in view, namely the firm establishment of conditions in which the areas concerned will secure and enjoy full opportunity for progress and development.

*Political Department*  
*New Delhi*  
*The 16th April, 1943.*

(Sd.) R MAYNARD  
Assistant Secretary



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(Note: Subjects marked with asterisks are also dealt with in Parts I and II.)

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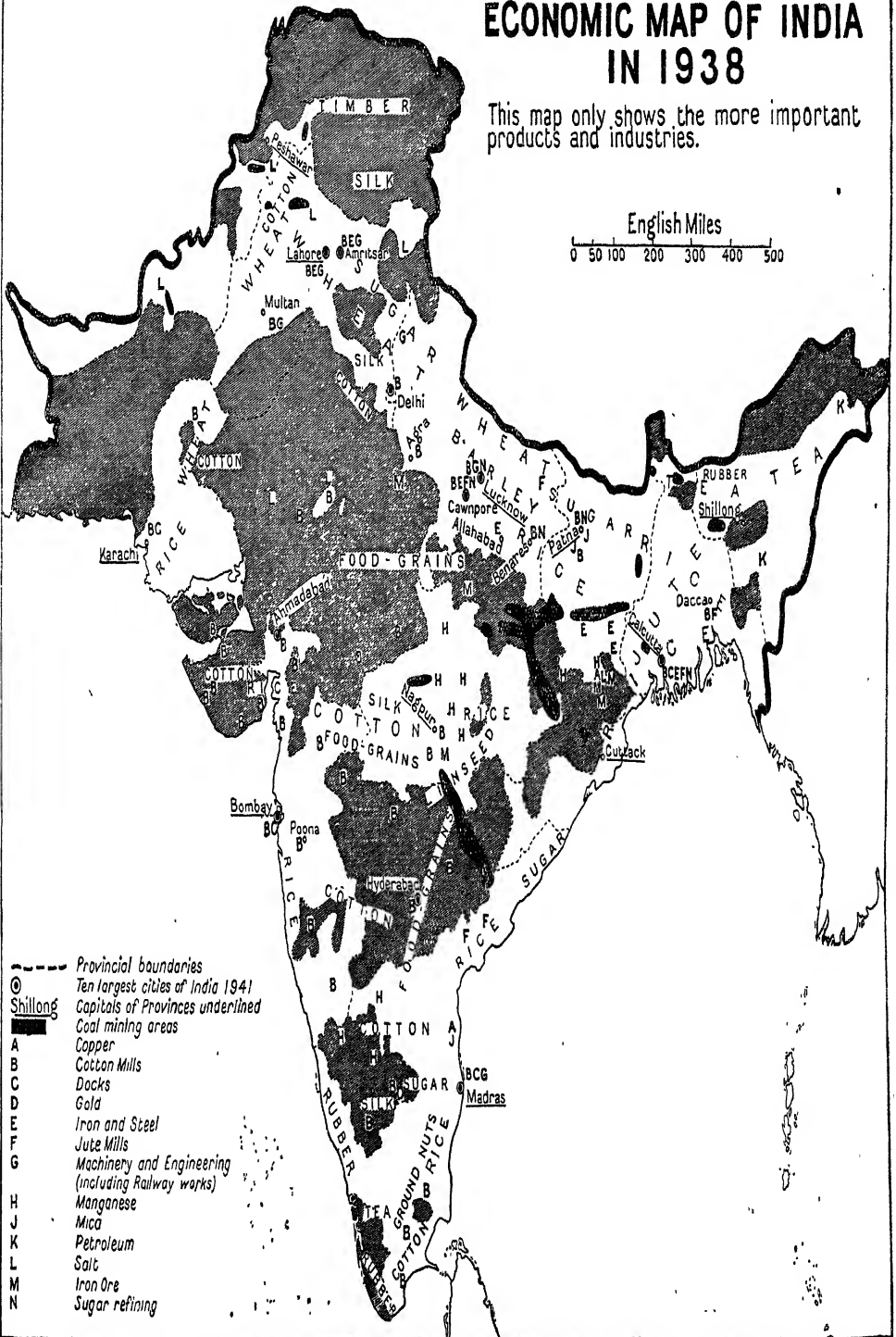




# ECONOMIC MAP OF INDIA IN 1938

This map only shows the more important products and industries.



English Miles  
0 50 100 200 300 400 500



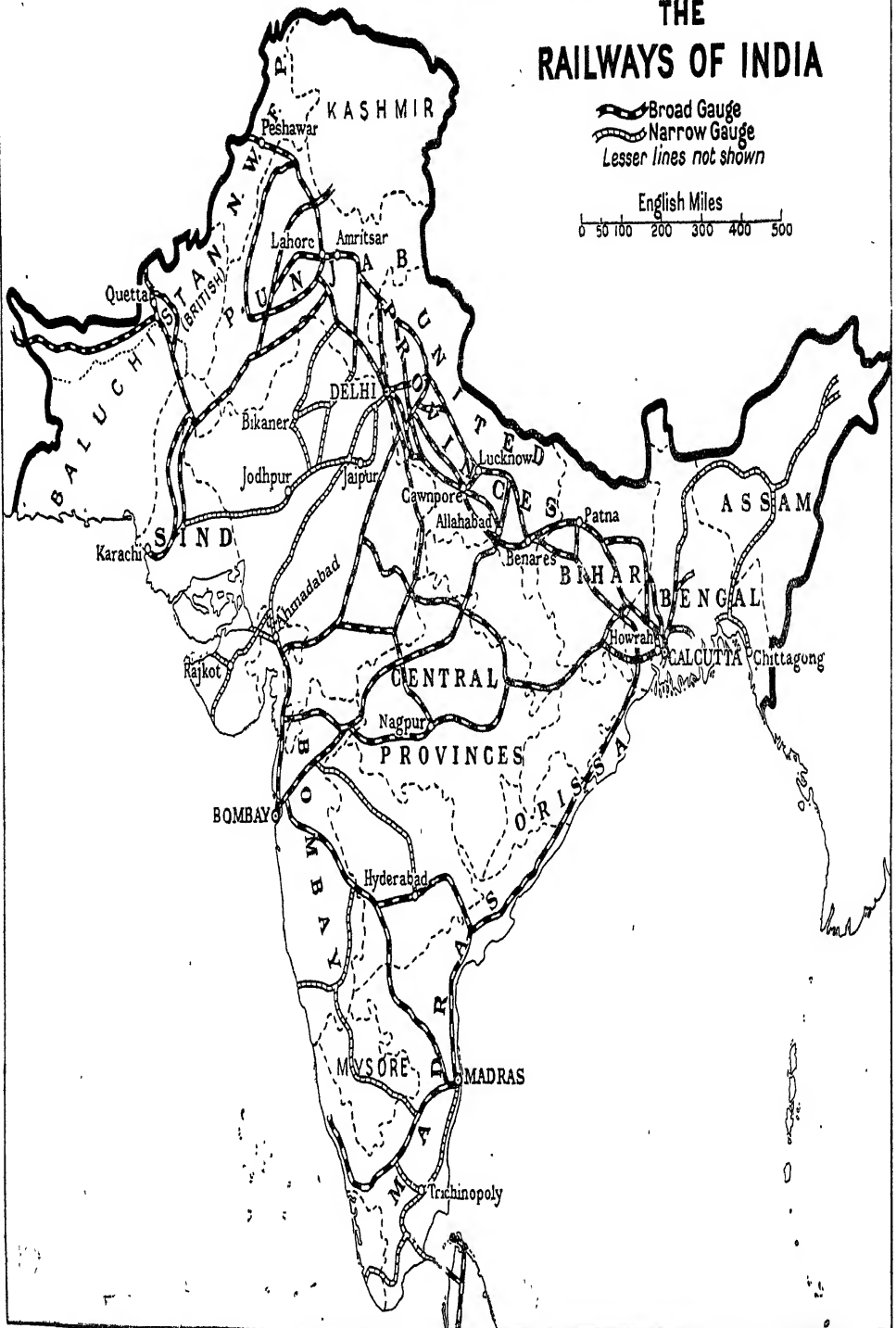
- Provincial boundaries
- Ten largest cities of India 1941
- Shillong
- Capitals of Provinces underlined
- Coal mining areas
- A Copper
- B Cotton Mills
- C Docks
- D Gold
- E Iron and Steel
- F Jute Mills
- G Machinery and Engineering (including Railway works)
- H Manganese
- J Mica
- K Petroleum
- L Salt
- M Iron Ore
- N Sugar refining



# THE RAILWAYS OF INDIA

 Broad Gauge  
 Narrow Gauge  
*Lesser lines not shown*

English Miles  
0 50 100 200 300 400 500











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